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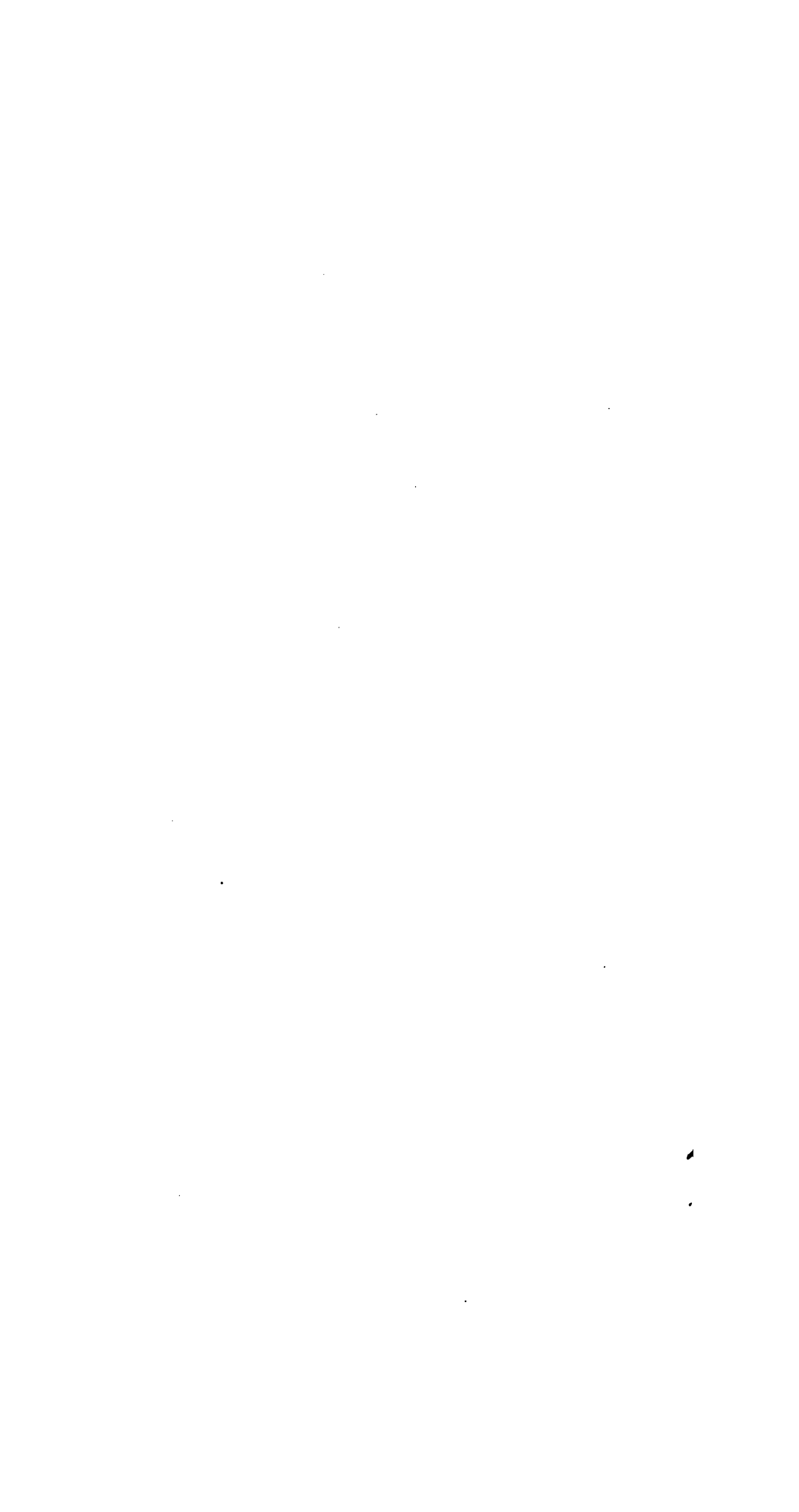


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THE  
BRITISH AND FOREIGN  
REVIEW;

OR,  
EUROPEAN QUARTERLY JOURNAL.

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"In primis hominis est propria veri inquisitio atque investigatio."

CICERO, DE OFF.

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ARTICLE I.

*An Historical Essay on Architecture. By the late THOMAS HOPE; illustrated from drawings made by him in Italy and Germany. London: Murray, 1835.*

IT is evident enough that the worship of God is an inward act of the heart and mind, and that the humblest cotter, with worn-out Bible and unwashed hands, may in love and reverence approach nearer to the Divine Being, than all the pomp of imagination in gay services, full of gold and steaming incense; that the deepest fervour has been felt in barns or in catacombs; and that the widow's mite was worth more than the whole temple. But though this is a truth, it is a one-sided truth, and must be taken with a limitation. Man is not merely a moral being, but also an intellectual one; and if we are delighted to find evidence sometimes that he possesses what some people choose to call a moral sense, we must recollect that he has at least five others, all of which are active and cannot be kept idle. We never were of that great sect who would cut us asunder, insect-like, into two parts, an ill-paired couple; separating the practical reason by a fixed gulph from a strange illusory understanding; and seeing nothing out of ourselves but base matter, to be used only for the conveniences of that machine which carries on its top the self-sufficient and somewhat pragmatistical ball of man's head. But to separate is easy; to harmonise, the slow task of

laborious art; and we must endeavour to discover and bring to light, first in ourselves the unity of one consistent personal being, and then without us that of the one creation of the one God. For our senses do exist and must exist, and if not conciliated they will rebel. Nor can we think that, for instance, during divine service in our churches, these same senses are either kept under, or drawn upwards, by being presented with blank white-washed walls, new bonnets, or perchance the effigy of a lion and unicorn, instead of the cross and suffering Saviour, and all the majestic imagery which our ancestors loved to behold! We can pray without them; who doubts it? as we can live without good furniture or handsome rooms, or any of the ornaments of civilization; with unplanned doors like Spartans, or with no doors at all like Epictetus. But if we do not live so in private, but are driven by a strong instinct of our nature to make every little thing about us in our domestic life, an image, and as it were a forget-me-not memorial of elegance and dignity, why should we leave these out in the noblest of our performances, and consecrate to God rusticity only? It is not found necessary for us, in order to love our wives and children, or to transact business, or to perform any other function of humanity, that we should go into a barn or a hut. Nor, indeed, are the feelings ever so divisible from the imaginary power that they can be affected directly by abstract truth; if it were so, then, to be consistent, we should strip our service as well as our churches of all ornament, and cut down florid sermons into mere assertions and naked syllogisms. Perhaps therefore we are not so enlightened as we think ourselves in reversing the order of things, according to which, in old times, private houses were small and rude, but public buildings of a size and grandeur proportionate to the full stature of the whole state.

These thoughts naturally occur to one in reviewing the History of Architecture; for we find that Art, in so far as it can be entitled a fine art, to have been developed in all former times in the construction of temples and churches, while mere house-building was thought a branch as inferior to it, as the portrait is to the historic painting. For a house must always be an affair of mere convenience and habitability; and what, in the higher style, a great authoress has termed "*cette grande*



inutilité" of all that excites the imaginative intellect, becomes when applied to such structures impertinent and absurd. But our practice works upon our theory, and we are not content now unless we can draw down all the imposing and humiliating grandeur of the past to our own level. We find accordingly that the writers of the present day would reduce the art altogether to a mere mechanical one; a sort of box-making, only on a larger scale. Of all the arts, indeed, Architecture is by its own nature that which appears the most unsettled in its principles, from the ambiguous position it holds between the lower and operative class of arts, and the fine ones. As to Music, Painting, and the rest, no one can help admitting, with however bad a grace, that they lie beyond the jurisdiction of the understanding, and that beauty, feeling, or something of the kind, is what regulates the genius that produces and the critic that judges. But when we come to Architecture, the utilitarians, accompanied by a formidable set of carpenters, bricklayers and upholsterers, make claim to her as a runaway slave from their territory; stone, wood, convenience and ingenuity being in their notion the only postulates required for building. It is but fair to hear what can be said on their side of the question, especially when we find a man of such genius as Mr. Hope giving some kind of countenance to it.

"In every country," says this thoughtful author, "we find the style of building determined by the nature of the soil, and the habits of the people consequent thereupon. In China, for instance, the taper conic form which prevails in all edifices, and the slight and slender character, what is it but an imitation on wood of the canvass dwellings of the original Monguls? while in Hindustan and Egypt, alluvial plains, subject to inundation, the early inhabitants, obliged to keep to the highlands, and store their food in caves, made their buildings afterwards to suit their habits of life—gloomy, massy, cavernous. Thus too the Scythians, who roamed the Dodonean forests in the North of Greece, from their very way of life, and the materials within their reach, could construct no other habitation for themselves but the wooden hut, with upright posts and transverse rafters, and sloping roof. In later ages again, nothing but the practical

“conveniences afforded by the use of the arch, and the invention of glass, for the enclosing of large spaces, and the want of such enclosures for religious processions in an inclement climate, and the necessity of a high-pitched roof to throw off snow, determined the form and construction of the so-called gothic.”

Now all this we willingly subscribe to, provided the other side of the question be not excluded. We admit these determining causes, but as material, not formal causes. For if this were all—if there were nothing more in the art than the adaptation of means to ends, the ingenuity of man in procuring gratification for his wants, and the gradual improvement of mechanical contrivance, the history of it might perhaps be interesting, but not more so than that of ship-building or iron-founding, and not particularly to the man of taste more than to any one else. But now the fact is, that it does particularly interest that particular class, and this fact must be accounted for. What then is the general distinction between the two classes of Arts? This evidently, that the one requires nothing more than ingenuity, and is the product of only one particular faculty of man, the understanding, quite independent of his moral nature; whereas the other and higher sort call into action the whole man, and their works are consequently stamped with the image of the collective fulness of his being, and though still constructions of the ingenious animal, are presided over by moral ideas. The utility of a thing is its utility, and its beauty is its beauty, nor can we by any juggling equation get rid of either term, or make one stand for both. Now a thing is useful only relatively, in relation to something else, taken together with which it makes a whole, in itself being only a part; though the very same thing, if considered by itself as one distinct thing, that is, a partial whole, may be called beautiful; the beauty of it being its wholeness, unity and independence. Nothing, however, is truly a whole, or essentially one and self-sufficient, but a being or person having life in itself; and all other things can have but a shadowy resemblance of this perfection. So that the beauty of all material objects must be merely symbolical, and can be in them only so far as they represent, in forms of time and space, those things which primarily and



originally have their being in living souls ; but which, in this, our earthly consciousness, cannot, perhaps, be seen intuitively in their essences, but are only known and deduced from their effects. We hold, then, that the beauty of a straight line, for instance, is its rectitude, that unswerving energy by which it maintains one constant direction ; and the beauty of a circle, the union of infinite different tendencies in one harmonious whole, by one presiding determination ; and so on of all other shapes.

These primary symbols we would call pure material beauty, and any others that may be found in the concrete forms of real things, relative or applied beauty ; making a distinction similar to that between the pure and the applied sciences. All beauty, then, is an outward expression of inward good ; and either of that which is good for all soul as soul in itself, and exercising its two prime faculties of expansion and concentration, of grandeur and harmony, or else of what is good for the individual being in particular forms of life. Consequently, the highest beauty of individual things is exhibited, when the thing is such as to be susceptible of the most intimate combination with the most universal forms. According to such views we would lay down this definition, that the art of so treating objects as to give them a moral significance, is *the fine art*. As in arithmetic, the fractional numbers must be reduced to relative unity with some one whole before they can be managed ; so, we affirm, must the partial existences of the visible world be brought to a kind of common denomination with those of the inner world, before they can be available as expressions, to use another mathematical term, of beauty ; and be the thing *a*, *b* or *c*, we believe, that by skilful treatment of its form, it may be brought to have such a meaning.

To apply these more general considerations to Architecture, we must begin with some real individual existence in the world, which expresses its own nature in its necessary form ; and then observe how, in the course of time, the nature of the thing, acting as it were from within, and the visible form from without, work reciprocally upon each other till they reach an equilibrium in their highest possible development. The structure of the Grecian temple was determined



in all its forms by the nature of the materials used, and the climate. Cylindrical smooth trunks, found in the sheltered interior of woods, were fixed in the ground at equal distances, tied together lengthwise by beams laid along their tops, and cross-wise again by rafters laid over these from side to side; above which a roof, not like that of the orientals, flat, but sloping towards either side, and terminating in two triangular gables; and along the inner side of the posts a continuous wall of clay or wicker-work. The only beauty or formal expression of which such a structure was susceptible lay in the contrast of the vertical lines of the supporters with the horizontal supported, the round and the rectangular, both heightened, probably, by dark and light colours; and in the symmetry, that is, the simplicity and sameness of the ratio between the different dimensions, both of the whole and of the separate parts. Afterwards, when the consecrated form came to be represented in the marble of Lower Greece, a new element was introduced, namely, the proportion between the strength of columns and the weight of superincumbent mass which they sustained; for as the columns were set closer, and made shorter and stouter, and the weight of masonry placed on them greater, the character of firmness, constancy and endurance was increased, or, *vice versâ*, diminished.

Such was the general form, varying, of course, according to the genius of particular races. That style which was most straightforward and simple, and true to the lineaments of its wooden type; in which the parts were not softened away and blended together by gentle intermediaries, but large and strongly marked, and decisively separated; in which the mass supported was nearly equal to that of the supporters,—became the established national form among the friends and descendants of Hercules. In this the few ornaments admitted were very fine and minute, and, like a delicate fringe, not seen at any distance, but so placed as to entertain the beholder when immediately under the building, when the eye could not take in the general outline, or the majesty of the bolder parts. Not so grave and serious, but more graceful and refined, the Ionians, on the delightful sea-coast of Asia Minor, did not feel inclined to separate so strictly the essentials and the accessories. Besides, in their settlements, the Acropolis

or citadel, planted above the town on a commanding height, was not so necessary a feature as in the armed aristocracies of the invading Dorians; so that the sterner characteristics of the Doric type, intended to be seen from far, were softened down, and the small ornaments so magnified as to leave no great distinction between them and the main forms of the structure. Strong geometrical precision was abandoned, and the fancy of the architect allowed to run out into playful appendages, such as the volutes or ram's horns, and the swelling cushions, and the bases required to balance at the lower end of the column the effect of so large a projection in the capital; and all plain rectangular masses were broken up into a multiplicity of graceful mouldings. In short, if the Doric style had the expression of a great and grave man steadfastly employed in some weighty business, the Ionic may be imagined to represent the graces of a lovely woman, who refuses not to heighten by ornament the delicacy of her light figure. In after times, when the two great races had lost much of their distinctness, and the smaller states had been broken down and amalgamated into larger masses, a third order came into vogue, resulting from a combination of something of the strength and size of the first, with the luxuriant decorations of the second; and such was the Corinthian. Accordingly, it has neither majesty nor elegance, but richness; and was well suited to the age of Alexander and his successors; and afterwards, like the Asiatic style in oratory, acceptable to the Romans.

Here we see consistency and propriety still further sacrificed to effect, while the curvilinear forms of vegetable growth, suggested, perhaps, at first, by the crowns of green leaves wreathed round the capitals on festive days, were fixed and petrified in hard stone; in all other parts too, ornaments heaped upon ornaments, without any meaning, so as to produce an appearance of magnificence, delightful at first to the eye, but leaving no impression on the inward mind.

These three orders, significant of three very distinct ideas which prevailed among the different races of the Greeks, were, however, afterwards used indifferently by all, according as propriety might require; just as in Pindar we find the three moods of Dorian, Lydian and Æolian music adopted in dif-



ferent odes, or different parts of the same ode, as the subject might require dignity and sedateness, or easy elegance, or a rich and Bacchanalian fancy. Thus, as Mr. Hope observes, to Zeus and Pallas, the pure offspring of his intellect, the temples would be built of the Doric style;—

“ while in the fanes of the gayer Apollo, the Bacchus of later date, and more luxurious habits, displaying more affinity to the female character, they might by preference employ the Ionic equally ambiguous; and the shrines of Venus might be marked by the order invented in the city where that goddess had her most beauteous and most celebrated priestesses. But still the Greeks reserved to themselves the right of giving to each forms more restricted or multiplied, more simple or rich, and proportions more sturdy or delicate, according to the peculiar exigences of the edifice or situation.”

So that between each order and the two others, an almost insensible gradation exists,

“ and the Doric of the temple of Neptune at Corinth, and that of Juno at Nemea, differ as much in their proportions as the statues of the Farnese Hercules and the Belvidere Apollo.”—Page 40-43.

To sum up the result of this hasty sketch, we observe that the general expression of Grecian architecture was that of the completeness of a whole fully developed into all its parts, and the perfection of each part, and its due subordination to the whole; *that*, in short, of a real organized being in the fulness of its existence, and the justest balance of its faculties, and either worthily undergoing some heavy trial, or with temperate dignity enjoying a serene life. And this was exactly the character of Grecian ethics, which rested mainly on the idea of justice and harmony, or proportion; and according to which the subordination of the inferior faculties in the individual, and of the inferior individuals in the state, constituted their ideal of moral and political excellence. Now we cannot imagine that this coincidence between the forms of their masonry and their moral systems was caused by the want of glass, as some would tell us, or their ignorance of the arch, or the habit of living in the open air, and offering sacrifice before a statue. Such were, no doubt, the *sine qua non*, *that* without which it would never have come to pass, the material causes of their style of building, the causes of its rudest beginning; but how, in the name of possibility, of its highest form and completest development?

We do not mean to say that Mr. Hope has adopted such a degrading theory as that which we endeavour to controvert; his genius surely could not stoop so low. But the fact is, that in this learned and elaborate book of his, the general tendency of his observations is towards the material side of the question, and the moral habits of either ancients or moderns are seldom mentioned or alluded to as having anything to do with the business. As a zealous and accurate observer of the phenomena of history, he deserves all praise; and his knotty and contorted sentences, full of dense matter, will form valuable knee-timbers for the construction of some more ample theory. We wish to give the reader a general outline of his essay, which includes the whole history of European architecture, and its offspring the Mahometan; and we will therefore proceed to extract his account of the Roman and Byzantine styles.

"I have already alluded to the restricted span of architecture in stone while debarred the use of the arch,—to the vast new resources and powers derived from that discovery. Pillars and walls, placed so far asunder that no blocks of stone, no beams of wood can connect them, may by the arch be embraced and combined. An area so spacious that no flat ceiling could cover it, may by the vault be closed in with equal solidity and durability."—Page 62.

"Skill in mechanics is a faculty wholly distinct from taste in the fine arts;"—(we extract this sentence with peculiar pleasure) and hence it happened that the greater exigences of the Romans, in respect of architecture, the vaster buildings they had to raise and cover, soon made them develope all the superior powers of the arch.

"In their aqueducts, they multiplied this feature in a seemingly interminable series: in their baths they gave it a prodigious continued elongation and span. Here over a cylindrical wall they turned concentric arches into a round cupola: there at the end of a square, or round a circular vacant space, they covered semicircles by semidomes. Sometimes they enclosed smaller in larger arches, or, giving to different individuals a different tendency, made them cross and form angles with others differently directed; the cupola itself was occasionally made polygonic. In general they avowed, they gloried in it, they made it the most conspicuous feature in their buildings; but at times, in the portico, and where they affected *Græcism*, they carried it from column to column in a covert way, under the concealment of a fictitious architrave. Everywhere, however, they made each individual curve describe that complete semicircle,



neither at its base elongated beyond, nor terminated short of, its full diameter; nor at its apex interrupted by, and meeting the opposite curve at an angle—a formation which is particularly distinguished for that solidity which the rulers of the eternal city, in every public building, seemed to make their principal object.”—Page 63.

We must interrupt Mr. Hope for one moment, to observe that this form of arch is not, we believe, distinguished from some others by any greater *real* solidity, however much it may have the *external character* and *formal appearance* of that quality.

“ This universal adaptation of a more varied developement gave to Roman architecture, from the first, an internal principle of construction, and an external corresponding feature, which caused a departure from the elementary model of the Greeks, in reality, in its essence more important, more fundamental, than that which the style since called Gothic exhibited in descent from the manner of the Romans. Once admitted into Roman edifices, it soon began to acquire a prevalence inconsistent with the existence of the essential parts of the Grecian architecture, which were henceforward considered as optional and ornamental expletives and additions. The unbending straightness of the architrave, and the arch curvetting from support to support, the roof with sloping sides, and the rounded cupola, could not subsist together, be seen in the same place, at least as parts equally important. Thence the Romans, had they been possessed of a delicate appreciation of the beauties of art, had they been gifted with inventive or imaginative genius, would for their arch have devised some new species of ornamental addition, appearing to belong to its nature and composition. But such powers they could not boast. Their minds might be fertile in useful inventions: in those calculated for beauty they were sterile.”—Page 64.

Hence the forms of Grecian architecture became completely bastardized and degenerate in their hands.

“ In the former, the column was a more characteristic and essential feature than the wall, since it supported a greater proportion of the weight, seemed rooted in the deep recesses of the soil like the oak in its native forest, and rose in single stem, continuous in substance and robust in frame, from the surface of the earth to the entablature. . . . In the latter, a continuous wall, capable not only of supporting great perpendicular weight, but of enduring considerable oblique pressure, was an indispensable requisite for the continuous vault, and naturally became an object of greater consequence and attention than columns. These, indeed, needed only to adorn its nakedness, placed too far from the main building to be embodied with it or to add to its strength, instead of rising directly from the plynth or stylobate, were separated from it, and raised upon a clumsy square block, which, under the name of pedestal, seemed interposed to interrupt the connection between the shaft and the floor.

by its size to narrow the passage, and by its protruding angles to inconvenience or to hurt the passengers. Frequently, as in the triumphal arches of the emperors, that pedestal became so lofty that, instead of raising the columns on a sort of cothurnus, it lifted them on a positive stilt, and made them appear as if tottering in the air. As they became weaker, like the limbs of an unhealthy child, they were stretched to a greater distance from each other, and were no longer capable of bearing an entablature, diminished to their own proportions. In order fully to confirm their inutility, they were not made to carry any such, but of an architrave supported by the wall itself, such projections or knobs as did not exceed their own diameter. The effect produced was that of a second capital mimicking the first; confusing its form, and destroying its appearance; causing as great a multiplication of breaks and angles, and of clumsy mouldings, as arises from the equally useless pedestal underneath."—Page 70.

Here, then, we see a style of art, like the period of society and civilization which produced it, and whose likeness it was, becoming effete and barren, everything dying, decaying, corrupting, on the solemn and pompous death-bed of the Roman empire. Here is an example of what the art would be, were it nothing more than mechanical, meant nothing more than to make for us comfortable, durable and eye-pleasing receptacles. Eternal glory and heartfelt thanks to the Providence and the Power that made beginning of a new and better cycle! To this we gladly hasten.

"If," says Mr. Hope, "the form of the primitive Grecian but was disregarded in the heathen temples of Rome, we may suppose that in its Christian churches, required to be of dimensions wholly incompatible with that form, built in a hurry out of incongruous materials, which it was only wished to combine in the readiest way possible, and in which a professed imitation of an edifice destined for idolatrous purposes would rather be avoided than sought, every remaining trace became obliterated. And so it happened; for though columns of different temples, originally unequal in height, might be brought to the same level by shortening those found too long, and by eking out, with a second base or a pedestal those found too short, their various entablatures could not be thus adjusted over their capitals. The last representation of the transverse beam was altogether laid aside, and small arches, with imposts bearing immediately on the capitals of the columns, were made to tie together all those of the same row. In most other respects the church of St. Peter, St. Paul, and all the others built under Theodosius, retained, with the name, the features of the Basilica only so modified as the exigences of Christian worship required."—Page 90.

Mr. Hope then, at some length, describes the ancient Ba-



silica, which is important, as having been the prototype of the Christian Church. It was preceded by a court or quadriporticus, and entered through a kind of vestibule called the narthen; internally it consisted of a nave bounded by smaller aisles or wings on each side, and divided from them by ranges of columns, which bore either a second story of columns, or a wall perforated with round windows, and on which the rafters of the central roof rested.

"These halls were originally courts of justice, but had become a sort of exchange, in the body of which merchants and others might transact business, while the recesses were frequented by clerks and officers, ready, on the spot, to adjust differences and decide points of law. In one of the lateral aisles the male, in the other the female candidates for justice awaited. The three longitudinal divisions were terminated by another in a transverse direction, raised a few steps above them, whose length embraced their collective width, and whose destination was to hold the advocates, notaries, and others engaged in prosecuting causes. Opposite the central avenue, this transept swelled out into a semicircular recess, with a ceiling rounded off like the head of a niche, called in Greek *Absis*, and in Latin *Tribuna*. In this sat the magistrate with his assessors; and from this courts of justice have been since called tribunals."

Mr. Hope gives us a fine description of the effect of this early form of the church:

"The long nave and aisles," he says, "divided by intermediate rows of insulated columns in close array; the flight of steps, which, often from each aisle, descended to the mysterious crypt or confession underneath, where stood the tomb of the patron saint, surrounded by a forest of pillars; the wider and nobler flight, which led to the sanctuary, high raised over this crypt; the altar of God in the centre of this choir and directly over this tomb, seen soaring in air from the very entrance of the church; superbly canopied, and backed by a grand finishing absis, whose conch corresponded in its arch with that preceding the choir, and whose curve contained, theatrically disposed, the bishop's throne and the seats of the clergy,—gave to some of these Basilicas, as to San Paolo, and the first St. Peter's at Rome, an imposing appearance, which even the new St. Peter's itself, built at the expense of all Christendom, and with all the additional splendour of its dome, does not equal."—Page 113.

How then, we may ask, did it come about, that this mag-

nificent sort of building was so soon abandoned, on the transfer of the empire to the east, for one totally different? Mr. Hope would persuade us, that it was from the want of the number of ready pillars, which they had at command in Rome.

"Perhaps Constantine, in 328, only transferred the seat of empire from the vast city of Rome to the small town of Byzantium, in order to evade the restraints with which, in his old capital, paganism still surrounded his new creed, and to afford Christianity, in his new creation, more room for developement. If, on the one hand, Constantinople afforded not, in the prostrate porticos and peristyles of vast and numerous heathen temples, columns sufficient in size and number for the erection of those long naves and aisles that composed the chief features of the Roman Basilicas; on the other, the progress made in the East in the art of vaulting, enabled its builders, with smaller and poorer materials, to cast, over wider spaces, bolder arches and cupolas. The long vaultless avenues, therefore, of the Roman basilica were suppressed; four pillars, situated at the angles of a vast square, whose sides were lengthened externally into four shorter and equal naves, were made to support, and to be connected by, four arches, the spandrels between which, as they rose, converged so as, towards the summit of the arches, to compose with these a circle, and this circle carried a cupola. Conchs or semicupolas, closing over the arches which supported the centre dome, crowned the four naves, or branches of the cross. Arches thus rising over arches, and cupolas over cupolas, we may say that all which in the temples of Athens had been straight, and angular, and square, in the churches of Constantinople became curved and rounded, concave within and convex without."—Page 121-124.

But surely this is an inadequate account of so marvellous a revolution. This point is, it appears to us, a nodus worthy of intervention from the higher regions of our being. We must recollect, that the old doctrine of a peaceful and well-organized balance of faculties was now discarded; and that sentiments, love, hope and faith, had become the ruling principles of life; and the inward feeling, however ill-expressed or undeveloped, was recognised to be the divine thing. If our theory then be correct, we must find that there arose a difference in the choice of forms corresponding to the difference in the ethics and habits of thinking of the age. When the visible heaven opened its immense vault to the eyes of faith, and disclosed the glories of the super-celestial region into which the Saviour of mankind had bodily ascended, how dull and flat must the low-roofed Basilica have appeared, how uncongenial to the heaven-ascending spirit! Accordingly, we find that the Roman cupola was eagerly adopted, and



immediately became popular; and, no longer confined to the alcove at the end of the Basilican nave, was placed in the centre, as the middle and principal feature of the whole. Still, there was something in that shape that did not adequately agree with the inspiration of the faith; for the balance of proportion between the breadth of the base, and the height of the ascent, seemed to represent a kind of compromise between the common earthly dimension and the heavenly tendency. An apparent *disproportion* was essential in the ideal of Christian architecture; for as the foolishness of the natural man is the wisdom of the spiritualized man, as the present life of the suffering Christian is altogether incommensurable with the glorious hopes of the future; so the disproportion, the one-sidedness, the devotion of every other consideration to the predominating idea, *that*, namely, of overcoming the downward attraction, and rising up high from the earth, is everything in the Gothic cathedral. To combine opposite tendencies, so as to produce a state of equable rest from their balance, is Grecian; to overcome altogether the inferior and earthly, and to hang on high in the unsubstantial element, sustained by supernatural support, is Christian. The regularity, evenness, fixed measure of the former style is exchanged for infinity. And hence, in the Gothic, the parts are not elaborated with exactness, and nothing in it does or can stand by itself; all is the whole; all is taken up into and absorbed in the full measure of the stature of the whole, and the supporting power is invisible.

Even so early as the age of Justinian we find these principles displayed in the construction of the Church of Divine Wisdom at Constantinople, which, by the way, Gregorius Nazianzenus, who lived at that time, informs us was purposely intended to be symbolical in its forms,

πλευρῆς σταυροτύποις τέτραχα τεμνόμενου.  
 " with sides cross-typical divided in four; "

a shape which may have been first suggested by the accidental cross in the transept of the Basilica, as perhaps the dome was, by the ciborium or canopy over the altar, which was in the form of a hemisphere raised upon four pillars, and surmounted by the cross, while the arches between the pillars were closed

with veils.—*Vide Eusebius de Vit. Const.*, vol. iii. p. 38. But be this as it may, "the architects," according to Mr. Hope,

"by making the pillars destined to support the dome square, and turning the angles towards the centre of the church, so as only to appear the walls or piers that terminated the transepts; and by thus causing the spandrels of the cupola to arise, and to spread from the fine line formed by the edges of these angles, attempted to cause this cupola of upwards of a hundred and twenty feet in diameter to appear no longer supported even as the former one had been thus far, on the four main pillars, but entirely hovering in air, without the least earthly resting-place. Attempted, I say; for lightly as this dome was constructed, yet, the real strength of its supports being carried so far outside the immediate circumference of its base, and these supports thus receiving from it a pressure so oblique and distended, it showed, in less than twenty-five years after its completion, symptoms of approaching downfall so awful, that its architects thought they could only divert the evil, by making amends for the want of more requisite piers within, which would *have pleased the eye and mind*" (so our author) "by props without, which, by their clumsiness, cause the edifice externally to appear a mass of deformity. The fate of fool-hardiness, in Sta. Sophia, probably made the successors of Anthemius and Isidorus revert to the more rational principles of their predecessors. They again condescended to give to the cupolas they raised in air, a visible support on earth. They even superimposed upon the four fundamental pillars, above the point where they carried the weight of the arches and pendentives, such additional masses of masonry, in the shape of pinnacles, as might, by their perpendicular pressure, counteract the oblique pressure of these arches and pendentives; and might serve as an abutment for the flying buttresses necessary to contain the base of the cupola itself, and to diminish the weight which reposed on its pendentives; and which, moreover, were useful to vary in its lesser forms, and to pyramidise, the mass of the building."—Page 126-128.

In this description of Sta. Sophia we trace the perfect germ of the true Christian style; the surprising appearance of loftiness and lightness, the pyramidising shape of the whole, the buttresses substituted for columnus, and the turning them edgewise to the eye. In the detail, too, of the structure of that age, we may observe, that the leafy luxuriance of the Corinthian capital began to fall out of use, both from the hurry in which the buildings were completed, in order to accommodate millions of Christians unprovided with any places of worship, and from the prevailing spirit of the new religion.

"The new capitals," says our author, "though still on round shafts, became little more than square blocks, tapered down-



“wards to the dimensions of their stalks, and adorned either  
“with foliage in very low relief, or with mere basket-work.  
“The arch, too, had thus far been universally round-headed;  
“but now, in order that over columns of equal height arches  
“of different dimensions might still be enabled to preserve  
“at their summits the same level, the abutments were elongated downwards, below the semicircle, to an indefinite length. Sometimes, too, we see, in those of a smaller size, variations from the semicircular form itself; some describing a smaller and others a greater segment, with the impostes curving towards each other in the shape of a horse-shoe; sometimes, too, the sides, after curving inwardly, assumed again an opposite curve. Already in pagan Rome, every groined vault, such as were seen in the Temple of Peace, and every polygonic cupola, such as the Temple of Minerva Medica, exhibited opposite curves meeting at an angle; but whether or not these suggested the idea of the arch terminating in a point, it is certain that this soon became, at Constantinople, a rival to that describing a semicircle.”—Page 132.

Now that this manifestation of a new spirit in the old Roman architecture should have been so great and so decided as it was, will not surprise us, when we consider, that in the first place Christianity had been existing secretly for three centuries, and must, consequently, have effected a very deep change of all associations and habits of thought in a large portion of the community, which was now, by a revolution, suddenly called into public action, and endowed with riches and power, while the new city of Constantine offered a magnificent clear space for the development of any novelty. Let us call to mind with what wonderful force and energy, in more recent times, the religious reformation in the fifteenth century, after having been repressed and kept under so long, burst forth into light, when at last suddenly allowed to expand. If, too, we consider how little Protestantism has advanced since that first splendid beginning, neither shall we be astonished, in looking back to the ancient history, to find that eight hundred years elapsed between this first germination of a new style, and its completion in the pointed cathedrals of Germany. At first it seems to have spread only eastward

and southward, into the Arabic regions, where it became the natural accompaniment of the pseudo-christianity of Mahomet, the western Church not being yet sufficiently advanced for it to fructify there. It is to be recollected, also, that the Grecian mind had been more immediately and more deeply affected by Christianity than the Italian, and that there was an almost total separation between the two empires, both temporal and religious; so that in countries habituated to the old Roman style, the new impulse given to the world ran, for some period of time, along the old track, and only, at last, gradually separating itself, manifested a direction of its own.

That this divergence should make its appearance at a point farthest from the old centre, was but natural. Up to this point, in the history of the Western Church, we have, for the general type of Christian architecture, the Basilica, with two side aisles, and a loftier nave between them, the walls of which were marked by three divisions; namely, first, that of the range of arches opening into the side-aisles; secondly, that of the plain space which was to be allowed either for the abutment of the aisle-roofs, or if there were a gallery over the aisles, as in the Basilica of Vitruvius, for the veils which concealed that from below; and, thirdly, that of the windows for lighting the nave itself. This part of the church was probably at first flat-roofed, with wooden beams. Beyond the transept or cross-nave which ended the side-aisles, and in continuation of the main nave, was the choir or chancel, so called from the cancelli or bars which excluded all the laity from entrance; and this was terminated by the absis, and was probably built with thicker walls, and vaulted, as we early read of the *arcus triumphalis*, by which it was entered, and on which the cross, as trophy of the meek conqueror, was affixed. Hence we have, for the essentials of our building, the absis, the choir, the transept, the side-aisles, and the nave; and of the nave, the three stories; the pier-arches, opening into the aisles; the triforium, which, either with a range of blind arches or other ornaments, occupied the above-mentioned intervening plain space; and the windows of the story that rose clear above the aisles, thence called the clerestory windows. The old Roman groined vault (the use of which had been, for a while, suspended in the Western Em-



pire, by the adoption of the Basilica for the form of the Christian temple) had been resumed ;—"at first, indeed, in its simplest trunk-shape, and resting on a continued lateral string, until, in order to obtain in the naves and aisles of churches, greater spans and spaces, not only across, but between the pillars, arches were carried from pillar to pillar, both in the long and in the transverse direction, so as to form squares of arched stone, filled in with rubble work ; within which we observe, gradually appearing more and more, other additional ribs of cut stone, so as to form, within the square of the first four arches, St. Andrew's crosses, supporting, between their four spandrils, the four groins of a vault, composed of lighter materials ; and with this formation, the arches at right angles in the square being still round-headed, and the ribs rectangular and crossing, still flat, may be said to end the gradual developements of the vault in the Lombard style."—Page 270.

It is to be remarked, by the way, that in the Lombard style the Christian Basilica possessed a feature still further removed from its old Roman prototype even than the arched nave, we mean the cupola which crowned its intersection with the transepts ; this was, perhaps, adopted from the Eastern Constantinopolitan form, or else it arose, naturally enough, from the use of vaulted roofs and the cross shape ; for two vaults, crossing at right angles, seem of themselves to suggest and require some distinguishing and pre-eminent ornament ; and what could this be but an additional elevation ? These cupolas were sometimes round, sometimes octagonal or polygonal, but seldom rose to any considerable height above the mass of the building, and belong, therefore, more to the internal effect, with which, be it observed, the spire of the pointed style has no connection at all.

"Just, however, at the period when the Lombard, or what may be more particularly called the round style of architecture, appeared, through the dominions of the Latin Church, most firmly and universally established ; when it had, from its first source, spread in every direction as far as the most extended influence of that church itself ; when its forms might have served to mark the precise limits of the papal authority ; when, from its universal prevalence, it seemed

“ to have secured an unlimited direction ; we see it all at once,  
“ in the latter half of the twelfth century, abandoned for a  
“ style, both in its essential principles, and its ornamental ac-  
“ cessories, entirely new, and different from it, and from every  
“ former style.”—Page 345.

But before we proceed to this great period, we must premise some observations on the corporation of builders or free-masons ; as, without a clear insight into the history of this body, which was devoted, altogether, to the designing and construction of religious edifices, and which received the accumulating tradition of former experience, and could, consequently, from a very extensive comparison of different plans, take a more abstract and general view of the whole nature of the established form of building, the sudden metamorphosis of the heavy and round, into the light and pointed, would appear unaccountable and miraculous.

“ When Rome became abandoned and neglected ; when  
“ Milan, Ravenna, Pavia and Verona, from being remote provincial cities, were raised successively to the rank of capitals ; it may be supposed, that among the arts exercised in  
“ Lombardy, that of building held a pre-eminent rank. We  
“ cannot then wonder that, at a period when artificers of  
“ every class, from those of the most mechanical to those of  
“ the most intellectual nature, formed themselves into exclusive corporations,—architects, whose art may be said to offer  
“ the exact medium between those of most urgent necessity  
“ and those of mere ornament, or indeed in its wide span to  
“ embrace both,—should, above all others, have associated  
“ themselves into similar bodies, which, in conformity to the  
“ general style of such corporations, assumed the title of free  
“ and accepted masons, and was composed of those members,  
“ who, after a regular passage through the different fixed stages  
“ of apprenticeship, were *accepted* as masters and made *free* to  
“ exercise the profession on their own account. In such an age,  
“ however, Lombardy itself, opulent and thriving as it was in  
“ comparison with other countries, soon became nearly saturated with public edifices, and unable to supply these companies of masons with sufficient employment. These Italian  
“ corporations, therefore, began to look abroad, towards northern climes, for that employment which they no longer found



“ at home ; and no longer destined to exercise their art in any  
“ single country, but in whatever regions, most distant from  
“ each other, their services might be required ; seeking a mo-  
“ nopoly, as it were, over the whole face of Christendom,—  
“ required an authority, a protection, an exclusive privilege,  
“ which no single temporal sovereign could give them out of  
“ his own dominions, or would give them, even within them.  
“ This they could only obtain in the different parts of Europe  
“ that acknowledged the religious supremacy of the Pope,  
“ from that head of the whole Latin Church. Now, as the  
“ erection of new churches and monasteries was, in a manner,  
“ to raise new estates for the Pope himself, the masons were  
“ regarded as troops of labourers working in his cause, as  
“ much as the missionaries, who were sent before to collect  
“ business for them ; and thus they obtained the requisite  
“ powers, probably soon after Charlemagne had put an end  
“ to the kingdom of Lombardy, and the fears of the Pope  
“ from that quarter, by annexing those dominions to his own.”  
—Page 233.

Afterwards, many natives of other countries, and many ecclesiastics of the highest rank, abbots, prelates and bishops, conferred additional honour on the body of freemasons by becoming members of it.

“ The militia of the Church of Rome, which diffused itself  
“ all over Europe in the shape of missionaries, to instruct na-  
“ tions, and to establish them in their allegiance to the Pope,  
“ took care not only to make them feel their want of churches  
“ and monasteries, but, likewise, to teach the manner in which  
“ that want might be supplied.”

“ Wherever the masons came in the suite of missionaries, or arrived of their own accord to seek employment, they appeared headed by a chief surveyor, who governed the whole troop, and named one man out of every ten, under the name of warden, to overlook the nine others ; set themselves to building temporary huts for their habitation, around the spot where the work was to be carried on ; regularly organised their different departments ; fell to work ; sent for fresh supplies of their brethren, as the object demanded them ; shortened or prolonged the completion of the edifice as they liked, or were averse to the place, or were more or less wanted in others ; and when all was finished, again raised their encampment, and went elsewhere to undertake other jobs. The architects of all the sacred edifices of the Latin Church, wherever such arose,—north,

south, east or west,—thus derived their science from the same central school; obeyed, in their designs, the dictates of the same hierarchy; were directed in their constructions by the same principles of propriety and taste; kept up with each other, in the most distant parts to which they might be sent, the most constant correspondence; and rendered every minute improvement the property of the whole body, and a new conquest of the art."

And hence it is, that at each successive period of the masonic dynasty,

"on whatever point a new church or monastery might be erected, it resembled all those raised at the same period in every other place, however distant from it, as much as if they had both been built in the same place, by the same artist."

"And thus we find churches, as far distant from each other  
"as the north of Scotland and the south of Italy, more minutely similar than those erected within the single precincts  
"of Rome or Ravenna; and we not only see, over the whole  
"region where the Latin Church had been established, one  
"single sort of architecture, but, that at whatever subsequent  
"period there happened to be in the sacred architecture,  
"either at its fountain-head, or on any other point, any change  
"or improvement, the knowledge and adoption of the same  
"reached every other point so rapidly, as almost to appear,  
"everywhere, the effect more of a general and simultaneous  
"inspiration, than of a progressive advancement and circulation. Hence, too, from this well-organized co-operation it  
"arose, that precisely in those periods of the profoundest ignorance, when other much easier arts were making only slow  
"advances, the most difficult and complicated art of sacred  
"architecture, that of calculating the weights and pressures  
"of arches most stupendous, and the supports and resistance  
"these require, and the forms which the arches, and the pillars,  
"and the buttresses, and the pinnacles supporting and compressing them, and the stones composing these members,  
"should have, for the purpose of perfect solidity and cohesion,  
"acquired a perfection so great, so contrasted with the general  
"ignorance which existed in all other things, so superior even  
"to that science in the same objects displayed at the present  
"time, when in all other arts it has become infinitely greater,  
"that it could not be credited, did not the proofs subsist in  
"the works of those ages still extant."—Page 243.



Such a body, bound together by an admirable organization, pre-eminently honoured above all other artists, and giving a most adequate expression to the very inmost spirit of their age, in a form which addressed itself to the whole community, highest and lowest, openly and at once; working in the immediate service of their spiritual lord, and no doubt inspired themselves with a high religious enthusiasm, ("concordes operi devotâ mente studentes," as Alcuin says of himself and another ecclesiastic who had the overseeing of some cathedral works,) must have produced something great and original; living, too, in that remarkable æra when the expected Millennium had passed over without any awful summons from the other world, and when the tide of pilgrims who had hastened to Jerusalem from the ends of the earth, to hail the dawn of the Saviour's re-appearance, had opened again the communication with Constantinople, and brought the west once more into vivifying contact with its opposite pole. Now, if the result of all this in the civil history of society was the astonishing institution of chivalry, are we not to expect, that in the arts also there was produced something corresponding? And do not this præternatural loftiness and lengthiness, this infinitude of lines drawn up into one, these pinnacles and spires, all pointing heavenward, signify and body forth some strange overpowering feeling which existed in the hearts and minds of those who made them? Through a low door, scarce higher than our human six-foot stature, we find entrance into an enormous hollow cross, remote from the common light of day; within which all things seem to have a different kind of existence from our ordinary world, and to be actuated by an attraction opposite to the common, everything flowing upward, and the slightest forms bearing up the whole; while, over multitudes of parts, innumerable as all the hosts of angels in heaven, one solemn monotony presides. What, then, is the effect of the whole? This; that our little selves are annihilated in the immensity of awe and reverence, and we learn,

"Adorar' debitamente Dio."

Let us now return to Mr. Hope's view of this interesting subject, and, without any intermixture of the ideal, examine the real side of the affair, the conditions of brick or stone,

and mechanical skill, by which this wondrous effect was suggested and made possible.

We have seen that it was the old traditional practice, handed down no doubt from the Romans, though improved and carried out more fully by their Lombard successors, in turning a vault, to build the groins only of cut stone and to fill in the interstices with lighter materials, so as to diminish the expense not only of the vault-work itself but also of the wall which bore it, as from a lighter weight the oblique pressure would not need so ponderous an abutment. This principle was well known to the architects of the middle ages, and the groins are always marked by broad flat bands in the Lombard buildings; but by carrying it one step further they were enabled so to vary the whole appearance of their architecture, as to make it seem the work of a totally different style. Instead of groining the roof only, they saw that the advantages obtained by that practice might be greatly increased, by applying it to the rest of the building; and, accordingly, they proceeded to *groin the whole*, carrying all the essential supports and stays of the arch in narrow ribs, not merely to the wall, but the whole way down to the ground. How, then, was the height of the building to be preserved, if, from top to bottom, it were to be nothing more than one continued arch? There is but one answer. That arch must be enormously elongated; and, leaving its precise semicircular curve, it must take an oblong form, like that of Brunelleschi's famous half-egg; while, in order to preserve the customary perpendicular face in the inside, without which all the majesty of the effect would be lost, the pillars of the nave must be still retained, so that only the apex of this shell should be seen, rising over them, and apparently resting on them. By such a process, the real form of the whole pile became that of a very long and pointed arch, based on the ground, or on comparatively short stilts, by means of the flying buttresses. What was seen of this form, in its first appearance in the vaults of the roof, by its affording a greater reach of height and a decided middle point, both gratified the public eye, and satisfied, in the architect himself, a perhaps unconscious and instinctive feeling; he began to develop, systematically, this new form into all its possible conse-



quences and to make a consistent whole, in which everything, which in the old style had been round and square, might be made narrow and elliptic.

Thus was formed for the sides and ceiling of the edifice a skeleton of long thin elliptical layers, turned edgeways toward their foci, for the purpose of obtaining, without any increased expenditure of material, a greater difference between the extra-dos and the intra-dos, and, consequently, a greater strength and security of arch; but, at the same time, presenting to the eye, when seen from within, a delusive appearance of incredible lightness. Then, to agree with the forms of these narrow and superficially rounded ribs, the pillars which in appearance supported them, were made to appear as light and airy, by being moulded in front into clusters of reeds as lengthy and as thin. The ribs of the groining and of the pillars having become so surprisingly light, the whole building, no longer tied down to the low and thick wall, soared upward, as it were, into the air.

"As in this style of prodigiously high naves, the light, falling very indirectly on the deep area underneath, required to be admitted in the greatest quantities possible, and as in walls, only demanded as screens, not as supports, the extension of the aperture could produce no dangerous weakening of the mass, the interstices between the pillars were filled with windows, at first clustered, and next, both for the sake of giving greater light, and of more fully showing the ingenuity and boldness and lightness of the structure, and its dependence upon the piers alone for support, were often, in their utmost outline, carried to the very verge of the pillars and arches between which they were inserted; so that within their general surface, they required mullions and other lesser subdivisions, to afford for the framework which contained the glass, the strength necessary to its utility. In order that these windows might in every manner more completely reach to, and fit in, and harmonize with, arches and vaults now pointed, they were formed likewise in the same shape as, and to the same pitch with, the vaulting of the roof; and thus it was that the pointed, before only been accidentally, and as a subordinate variety from the round arch, now became universally and exclusively, not indeed the cause, but the consequence, of the new style of architecture.

"Those bold horizontal projections of entablatures and cornices, which, in the pure Grecian architecture, produced such play of upright outlines, and such masses of transverse shadows, had become in a great measure obliterated in the rounded Lombard buildings; but in this new pointed style, the few members and fascie and mouldings, and other parts still permitted to retain that horizontal and transverse position, which the whole system tended to obliterate, if external, were for the purpose of

avoiding all lodgement of snow, and, if internal, for that of obviating all unnecessary weight and pressure, made in their projection as shallow, and in their superior surface as much inclining downwards, as possible : and, to crown all, in those edifices in which the system was carried to its utmost consistency and completion, the roof, for the high pitch of which all the parts underneath were calculated, was made as steep and sharp as all the supporting members.

"As the habit of gazing on peculiar forms by degrees begets a taste for them, and as those which utility first demands, even when that utility ceases, still are perpetuated by the inclination it produces ;—as even consistency and taste require the ornamental additions to harmonize in their outline and character with the fundamental groundwork, those essential forms, all slender, and tall, and sharp ; those long thin pillars ; those narrow and lofty interstices ; those pointed arches, reduplicated laterally, and over each other in endless repetitions, and intersecting each other in every way, were imitated and repeated, and carried to interminable lesser and more minute subdivisions in the mere ornamental parts, until at last, religious edifices, with their pinnacles, and spires, and broaches, and cusps, and corbels, and tabernacles, and tracery, and ridge bands, looked like a mass of network, or, rather a cluster of mere conductors."—Page 358-361.

"The apertures of former architectural styles, widened and multiplied ; the supports lengthened and compressed ; the vast masses made to hover in air, with but slight stays on earth, by the very principle of the pointed style, even in its soberest and most subdued shape, suggested the idea of still increasing the surprise produced by these circumstances, by doing away with every remains of solid wall that could be dispensed with ; trusting, for support, to the pillars alone ; so situating these pillars that their angles only should face each other and the spectator, while their sides should fly away from the eye in a diagonal line ; subdividing every surface that is not to be entirely suppressed, into such a number of parts, or perforating it so ingeniously and so variously, as to make it light as a film, or transparent as gauze ; and increasing, to the utmost, the width of every window, and the height of every vault.

"The number of arches all pointed, and the curious inter-sections of their curving groins, increased by the complicated plan of Gothic edifices, suggested the idea of creating forms and combinations still more varied and complex, by subdividing their sweep into trefoils, quatrefoils, and other curious scolloppings ; and by making them bend, like the



“ogive moulding, and after showing a convex, exhibit a concave line.”

“And though certainly the essential parts did not derive, from the imitation of trees planted in an avenue or quincunx, their more essential forms, it is probable, that the similarity which they gradually but incidentally acquired to trees thus disposed, gave the idea of completing the resemblance in the ornamental additions, not only by dotting every pediment and pinnacle with crotchets and finials in the shape of buds, and by filling every arch with tracery like the foliage; but, as was practised in the last and most florid German style, by twisting the lighter arches and ribs themselves, so as to look like the stalks of the woodbine, or the tendrils of the vine.”—Page 440.

The account we have given of the origin of this style differs, in some particulars, from Mr. Hope's. He appears to us to have been under an error in regard to the outward pressure of the arch, as he observes, that the Lombard semi-circular arches

“imposed a weight and pressure so much greater in a straight downward, than in an oblique and outward direction; that walls or pillars of a good substance, directly under them, sufficed for the requisite support and resistance, without requiring those additional masses, carried out beyond the line of the perpendicular pressure, and affording an oblique counter-pressure, called buttresses.”—Page 349.

And again, (p. 352):

“But while the round-headed arches, pressing almost entirely in a downward direction, and on walls of a considerable thickness, only required buttresses so shallow, that whatever masses appear in that shape, seem rather to be mere ornaments, and intended to break the even surface of the wall, than as stays of use or necessity; these new arches and ribs, and cross-springers all pointed, weighing less heavily on the piers immediately under them, and finding perpendicular pillars less strong, equal to meet their object, but imposing a pressure oblique, and tending to drive these supports outwards, demanded an oblique counter-pressure, to meet it, as much greater as their summit rises higher, and caused the points on the surface of the earth, from which that counter-pressure is to be derived, to be wider asunder.”

Now we conceive that the pointed arch approaches more to the limit of direct downward pressure than the semicircular itself, which, in that respect as in others, must be the exact medium between it and the obtuse arch.

Again, Mr. Hope derives the first adoption of the pointed form in the roof and essentials of the building “from the endeavours, in those countries where winters long and severe

“ occasioned snowfalls very frequent and heavy, to combine,  
“ with great extent and elevation, surfaces so modified as to  
“ afford the snow as little opportunity as possible of attach-  
“ ing itself to, and accumulating upon them.”

If this were the chief motive, we think it astonishing that it should have effected so deep and wide a change in every part of the building. In general, in architectural as in other organizations, the difference of climate affects only the exterior, the hide and hair; and whatever any race has been accustomed to in the commencement of their civilization, they are apt to maintain only partially modified to the end, as Mr. Hope himself has admirably shown to be the case with regard to the tent-like architecture of China, the troglodytic cavernous style of Egypt and India, and the wooden hut of the Epirotic forest. The conjectures of other authors with regard to the origin of the pointed style, Mr. Hope has examined and refuted with great success. Of the theory that derives it from the imitation of an avenue of trees, “ whose majestic stems arise at equal and measured distances, and whose branches meet and intertwine themselves with each other in dense vaultings of luxuriant foliage,” or from a Druidical grove, or from an arbour woven of living willows, he observes very justly that

“ we must take care that the resemblance between what is supposed the offspring, and what is called the parent, should increase, in proportion as we retrace the progress of the one backwards, step by step, to its origin, in the latest developements of the other; or at least should continue to show itself in a connected series of links intervening between the two; but, in this instance, the very reverse is the case.”—Page 373.

“ For as we ascend to the earlier modifications of the pointed, and from these to those of the earlier Lombard and Roman styles, which we find to have existed universally for many centuries, intervening between the beginning of the latter style and the extinction of pagan rites, the similitude with the supposed vegetable type continually diminishes, until in the genuine remains of the Druids themselves, precisely where it should be most palpable, it disappears entirely.”

Again, as to its derivation from an aboriginal style belonging to the Goths who inhabited the countries round the Baltic,



he remarks that the only extant monument which can really be called Gothic, is the mausoleum at Ravenna, built by Amalosuintha to her father Theodoric; and this he says,

"so far from offering the least approaches to the complicated vaulting and the light pointed finishings—in the squat massiveness of its cylindrical form, in the narrow openings of its loop-hole windows, and, above all, in the weight, and outline, and mode of construction of its cupola of one single piece of stone, thirty-four feet in diameter, and three feet and a half thick, exclusive of its swell, and the gigantic rings or loops all round, of the same block as its body, which served to lift it into its place,—rather resembles the Cyclopean or that of Egypt."

The filiation of the pointed style from the Saracenic, Mr. Hope denies upon chronological grounds, asserting that the Sainte Chapelle at Paris, built by Eudes de Montreuil, the architect whom Louis IX. took with him into Palestine,

"is one of the buildings, in the pointed style, which resembles that of the Saracens least; and though even if it did, built, as it was, in the latter half of the thirteenth century, it had been preceded by so many other buildings of the same form at home, that it is folly to seek its model at such a distance. Even were the theory (however ill-supported by the examples alleged,) in reality true and well-founded, still the pointed style of Europe would only be derived in a somewhat more indirect and circuitous channel, from the same copious source, whence arises the prior round or Lombard style, namely, from the Byzantine and the Roman system; since we have already shown that the Mahommedans of every denomination, borrowed their sacred architecture from Constantinople and from Rome; and owed no part of it, connected with the arch and the cupola, to their own invention."—Page 378.

Lastly, our author derides the fancy of those who have found the source and fountain-head of this grand style in the casual intersection of two round arches, as seen applied against walls and under cornices in the Lombard buildings, for mere ornament;—

"for if the peculiarities of the latter style had arisen from the imitation of the Lombard interlacings, or from any other mere ornamental additions, before seen or conceived; their progress and development would have been from the more superficial and ornamental modifications, to those more essential and fundamental: whereas we see precisely the reverse; the essential and fundamental parts become universally pointed, while the merely ornamental still are Lombard; the pointed reaches those parts last, which are merely decorative."

Mr. Hope fixes upon Germany as its birthplace; giving, among nine other very cogent arguments, this one, which to

our minds is, of itself, sufficient; namely, that the great German structures, in this style,

"offer in all their different component parts, piers, buttresses, pillars, arches, vaults, roofs, spires, and pinnacles, from the lowest foundation to the highest superstructure, in a degree unequalled elsewhere, a compactness, consistency, and harmony with each other; a gradual growth of the higher out of the lower, and pyramidizing; an intention, announced from the base, and fulfilled to the summit, of making every part tall, and sharp, and aspiring alike; proving that, even before the first and lowest was commenced, the size, and form, and weight, and pressure of the loftiest and last must have been calculated."—Page 422.

He remarks, also, that it was the Germans who, about the middle of the twelfth century, changed the character of their handwriting;

"which still maintained, with the appellation of Lombard or Franco-Gallic, a round and flexible form, into a character composed of rigid perpendicular lines, connected by sharp cusps, angles, and pediments, like those displayed in the pointed style of architecture, and which, in the beginning of the thirteenth century, attained its fullest bloom and perfection, in a maze of intricate and useless lines and tracery."—Page 419.

Mr. Hope's account of the decline and fall of this style, and the restoration of a kind of bastard antique, is by far the weakest part of his book. How it came about that this magnificent style of building, which, by the economy of materials, rendered the most gigantic undertakings possible, should fall into disuse, and in a little time become quite obsolete, is the next most important problem in the history of modern architecture to that of how it was first invented and adopted. "The causes," Mr. Hope finds, "partly in the increased industry, and skill, and wealth, and knowledge, among the laity itself, which occasioned the want of a much greater number and variety of important fabrics not connected with the services of religion; and which made the laity feel an impatient wish to shake off the influence and direction of the priesthood in the planning and elevation of these buildings, even at a period prior to that reformation which detached half Europe from the Church of Rome. Above all, when in succession, in every country where the pointed style had reigned, the Church ceased to increase in wealth, in power, in estates; the natural consequence of this revolution was the successive abandonment, or extinction, or



"expulsion of that body, which was regarded as agents and  
"satellites of the Pope and of his ministers, who only  
"worked by their support, and under their authority,—the  
"body of freemasons. The downfall of that great society,  
"dispersed and united all over Europe,

"and which was alone initiated in all the secrets of the pressure and the counter-pressure of the most complicated arches, so essential to the achievement of constructions after the pointed fashion, and so intricate, that even a Wren confessed his inability to understand all their mysteries; and which kept these secrets equally from the knowledge of the world at large, while it flourished and when it dispersed; the passage of the whole art of building, from the hands of these able masters, into those of mere tyros not bred in the schools of freemasonry, and not qualified to hazard its bold designs, forced architecture immediately backwards, from that highly complex and scientific system, into one more simple in its principles, and more easy in its execution. The revived admiration for, and imitation of, the ancients in every other art, afforded to these new and less skillful architects, means of concealing their ignorance, and their compulsory dereliction of the pointed style, under an affected preference for their works; and they eagerly adopted the mask."—Page 529.

Here, as in other passages, Mr. Hope, with the keenness and accuracy of a practised hunter of facts, follows on the train of events along all the footsteps of the doubling and redoubling maze; but he does not seem to us sufficiently to consider why it is, that these surprising changes of direction occur; he derives them, to continue the same metaphor, from the lie of the ground, rather than from the nature and instinct of the living thing. To us it seems, that the great changes of style, in the fine arts, are never to be explained by any such occurrences as the discouragement of freemasons, or the increase of laic edifices, though, no doubt, these things act as second causes; but the original main cause we would always look for in the general spirit of the age. It appears from all history, that the collective mind of a whole race oscillates like that of an individual. We find, at any given period, one common direction in which, all minor differences notwithstanding, all the individuals of an age are carried along, as by the force of an unknown current; and when, in this direction, everything has been exhausted, everything done which could be done, a revulsion and revolution take place, with exactly an opposite tendency. The spirit of Grecian culture was essentially pantheistic, that is, it found

its completion and satisfaction in Nature; and consequently, according to it, good and bad meant well- or ill-organized, well- or ill-prepared for action; and hence their supreme moral principles were those of temperance and balance, and orderly arrangement, presiding over the most unrestrained activity and enjoyment of all the powers and faculties of body and mind. This system, which, under a peculiar combination of circumstances, in the earlier ages of the small Greek states, displayed such splendid effects, on one side however lies fearfully open to depravation; for before this balance and just subordination of all the faculties can be brought about, the powers and faculties themselves must be all known, and duly estimated and appreciated. Now, powers can only be known from their effects, and these cannot be developed except by the concurrence of circumstance; and hence it depends upon education and upon the political relations of the states in which men are born, whether or not they shall ever be able to know what is in themselves; so that the feelings of propriety, and fitness, and proportion, may be satisfied on a very small scale, and the balance may be rightly made out though the account be wrong. The latter Greeks and Romans made themselves very happy, no doubt, in a small way; and with the slight omission of honour and generosity, and some other things of the same sort, summed up the items of pains and pleasures tolerably well. Hence, to the last, they were always graceful and elegant, fond of science and of the fine arts, and of the beautiful and becoming in all things.

But human nature has something in it which, though they ignored, they could not suppress; and the holiness of Christianity and the honest nature of the German race came like two winds, drawn by a stagnant vacuum from afar, to sweep it away from the face of the earth. The period of feeling and of sentiment succeeded that of elegant cultivation; and of the two great poles of the human mind, the ideas of beauty and of sublimity, the latter became predominant. The results of this period we have touched upon already, in our consideration of the pointed architecture, and we must hasten at once to its conclusion. In the fifteenth century it came to its end. The powerful but genial winter, the night, the time of inner life, of self-concentrated unity, was accomplished; and that



unity, by the very law of its being, was now to branch forth, to bud out, to blossom into multiplicity again. And how could the age of Raphael and of Michael Angelo, and of Luther, the age of Shakspeare and Cervantes, any longer endure the devout monotony of the pointed style? With the expansion and cultivation of the nature of man, using the word nature as opposed to the supernatural, there returned, of course, the ancient doctrines; the semicircle and the rectangle, the happy medium between excess and deficiency, the full developement and even balance of perfect form, once again were loved and understood.

Having these considerations full before us, we are most willing to admit that it was, in part, owing to the dispersion of the great body who kept secret among themselves all real knowledge of the art of building, that the attempts of the modern architects, in the classic style, were so incoherent and infelicitous at first; and that from first to last they have never yet attained, in their own line, that pitch of perfection which the freemasons did in theirs. But to this we must also add many other causes. The ancient forms, reappearing in all their beauty, struck them so forcibly as possessing exactly that expression of completeness which they wished to attain to, that they could not, by any means, free themselves from their attractive graces; nor could they, on the other hand, succeed in uniting these graces with a mode of building suited to totally different habits of life. The warmest admirers of the Grecian style must acknowledge that it is well adapted only for buildings one story high; for if the peculiar dignity of the column is derived from the just proportion between its own strength and the weight which it bears, that must inevitably be destroyed, when another column nearly equal to it, and then a third, are superimposed upon it. Even where nothing is left between the tiers but a simple architrave, as we see at Pæstum, still the character of the style is altogether lost; much more so then when architrave, entablature, cornice, triglyphs, dentils are all absurdly huddled together, and repeated in every story. Besides this, the column has no lateral support, and requires therefore a solid basement. A pile of pillar, mounted upon pillar, would hardly be able to stand by itself, and would certainly not look very solid; and

if attached to an inner wall, and supported by it, it becomes quite insignificant, inasmuch as it signifies nothing of the real nature of the building. Still worse is the matter managed, when, over a plain wall, a huge casing of pillars and pilasters, and architraves and cornices, is tacked on to the outside of a common house; and one sees a comfortable three-story box inclosed in the shell of a Grecian temple, the horizontal lines of the floors cutting through the vertical lines of the pillars, so that the joists must be supposed to be morticed into holes in their sides; while little doors and windows, proportioned to the story to which they belong, peep between colossal columns, proportioned to the height of all the stories taken together; so that there can be no possible symmetry, there being no common measure. Such were the styles of Bramante, Michael Angelo and Palladio, faulty indeed, and incoherent, but valuable, in so far as they admitted the horizontal dimension, (which the monkish architects had almost banished,) and, consequently, requiring a balance between that and its opposite the vertical, re-introduced the doctrines of contrast and of proportion which belonged to the Grecian system of ethics. Little, however, remains to be said of the fruits of this new style; it was a forced exotic, and could bear none. It belonged to a different age and state of society, and it had been, and was exhausted. In St. Peter's itself there is little which can please the taste of the critical architect, though Mr. Hope has finely remarked, that "there is a serenity of look, and equability of temperature in this vast edifice, which throws over all its parts an inexpressible charm; and one is astonished to find so much splendour, and even glitter, united with such an air of repose, of majesty, and of quiet."

The modesty, simplicity, consistency,—in short, the moral feeling of the antique, began soon to appear tame and insipid to the Italians, and

"a Fontana, a Bernini, and a Borromini, in their corkscrew columns, their architraves *en papillote*, their pediments curled and twisted into every unnatural shape, their architecture in perspective, their orders, intended for flat wide temples, pyramided one over the other, in high narrow churches, far outstripped in bad taste, the worst examples of the worst era of pagan Rome. If, of the leading, the essential members of archi-



ture, the shapes were thus distorted, the consistency thus destroyed, still more were those surfaces and outlines, those mouldings and details of a lighter and a more purely ornamental sort, which form, as it were, its last and brightest embroidery and fringe, destined to experience every species of contortion. In every material, and in every art susceptible of the influence of a taste either pure or corrupted, not only all those accurate and faithful imitations of actual productions, animate or inanimate, of nature or of art, which even the arabesques still show, but even all regularity, all definiteness of surface and shape; all forms decidedly round, or square, or smooth, or projecting, or straight, or angular, were abandoned for a sort of irregular, uncertain, involved outline, nowhere showing a decided continuation or a decided break, and for an unmeaning *aplique* of clumsy scroll-work, which spread like an ulcer; ate into every moulding, and corroded every surface; and no where left simplicity, variety, unity, contrast, or symmetry. This style is known by the name of the old French taste, though Italy has the credit of the invention. It should properly be called the inane or frippery style.

"In England, Government, by taxing alike heavily brick and stone, which form the solid walls; and the apertures from which they are absent for the admission of light; discourages in architecture both solidity of construction and variety of form. Copyhold tenures, short leases, and the custom of building whole streets by contract, still increase the slightness, the uniformity, the poverty of the general architecture. Here the exterior shell of most edifices is designed by a surveyor who has little science, and no knowledge of the fine arts; and the internal finishing—regarded as distinct from the province of the architect—is left to the mere upholder. Thus has arisen at least that species of variety in building which proceeds from an entire and general ignorance of what is suitable and appropriate to the age, nation, and localities. Some, by building houses in the shape of temples, have contrived for themselves most inappropriate and uncomfortable habitations. Some, reverting to the pointed style, as more indigenous, more national, but taking all their ideas from religious edifices, instead of a temple, have lodged themselves in a church. Others have, in times of profound peace, or at least of internal security and refinement, affected to raise rude and embattled castles, as if they expected a siege. Others again, wishing for more striking novelty, have sought their models among the ancient Egyptians, the Chinese or the Moors; or, by way of leaving no kind of beauty unattempted, have occasionally collected and knit together, as if they were the fragments of a universal chaos, portions of all these styles, without consideration of their original use and destination. Finally, as if in utter despair, some have relapsed into an admiration of the old scroll-work, the old French style, of which the French had become ashamed, and which they had rejected. No one seems yet to have conceived the smallest wish or idea of only borrowing of every former style of architecture, whatever it might present of useful or ornamental, of scientific or tasteful; of adding thereto whatever other new dispositions or forms might afford conveniences or elegancies not

yet possessed; of making the new discoveries, the new conquests of natural productions, unknown to former ages, the models of new imitations more beautiful and more varied; and thus of composing an architecture, which, born in our country, grown on our soil, and in harmony with our climate, institutions and habits, at once elegant, appropriate and original, should truly deserve the appellation of *Our Own*."—Page 561.

This comprehensive recipe of Mr. Hope's for making a new style we cannot exactly approve of; to borrow *all* that is useful or ornamental from *every* style, adding, *quantum suff.*, of our "new conquests of natural productions," is an experiment that has been sufficiently tried in our Regent Street, and other great national works, though one would have hardly thought that the monstrous absurdity, which a writer might let slip in a careless sentence, could have been actually worked out and perpetrated, even in plaster. But these things, though perhaps in excellent "harmony with our institutions and habits," have had their day; and we rejoice to see that some of the later buildings, in our metropolis, have a more substantial and honest character, exposed to none of those contradictions which make null all unprincipled imitations. What, indeed, the silent unquestionable future has in store for us, who shall attempt to guess? No Grecian temple, and no Gothic cathedral, that is certain. Great municipal buildings, perhaps, assembly-houses of all kinds. And already we think we can trace some germs of a style, that may develope the true Christian loftiness and sublimity in a natural and balanced organization; that, leaving the proportion of weights and masses to the Greeks, as their peculiar organ of expression, and the elliptical lines and arches to the middle ages, as theirs; should abide by its own material form, which is the wall, with its floors, doors and windows, the essentials of a modern European building; and contrive in this, and by this, to express the character of our own age; and endeavouring, first of all, and above all, to maintain truth and consistency, then aim at sublimity, without dereliction of beauty.

Though we have been obliged to quarrel with Mr. Hope, sometimes for the want of ideal and formal principles, we take leave of him with feelings of cordiality and esteem, and recommend his book as the most intelligent, learned, and comprehensive we have met with on the subject. We trust



that we have fulfilled our own duty as reviewers, in giving the reader a general account of the whole gist of the treatise, and ample opportunities of judging of the execution.

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## ARTICLE II.

*Athens; its Rise and Fall.* By EDWARD LYTTON BULWER, Esq., M.P. 2 vols. 8vo. London, 1837.

MR. BULWER'S historical work has taken us somewhat by surprise. When it was announced, we looked for a series of highly-coloured scenes, diversified with the melodramatic philosophy of the author of *Devereux* and *Pompeii* and other works of a graver complexion, and which, as a whole, might have been entitled "*The Romance of History,—Athens.*" We were in some pain lest we should fail to recognise our old acquaintances, Pericles, Alcibiades, or Brasidas, in that masquerade-dress, which, in Mr. Bulwer's classical fiction, is made to represent the antique. His plastic hand had performed so many remarkable conversions of historical pictures into fancy portraits, that it seemed not improbable that Euripides and Protagoras might be among the few who retained, under the process of transmutation, any of their original lineaments. Our conjectures however, though made inductively, were, upon the whole, erroneous; and we rise from the work before us with the impression, that if not altogether such as might have been looked for in the improved state of modern scholarship, and from an author "occupied many years with the subject," the "*Rise and Fall of Athens*" is much more creditable to the talents and industry of Mr. Bulwer, than any experiments, however ingenious, upon public taste and morals made through the seductive channels of fiction.

On more than one occasion we have been led to express opinions of Mr. Bulwer's literary character, not altogether perhaps in accordance with his own views of it. With every wish to give him credit for considerable powers of mind and

observation, and for no common resources and energy, we have been too often obliged to reprobate his employment of them. Our earnest protest has been entered against his mode of dealing with some characters venerable, or at least respectable, in history; as well as against an opposite propensity in him to see, in others of less ascertained reputation, nothing but exalted and unacknowledged virtues. We have reprehended,—and backed our reproof by examples,—his attributing to all times and places a sameness of manners; his strange mistakes in the phraseology of polite circles, whether of Pompeii or Paris; and the hybrid diction he assigns to his coxcombs and philosophers, ancient and modern. Above all; we have objected to Mr. Bulwer's own idiosyncrasy,—“melancholy and gentlemanlike” as it unquestionably is,—being made the gauge and pattern of the feelings and principles of others. We are glad, therefore, to meet him upon ground where his enthusiasm is laudable, his moral system intelligible, and his researches and philosophy are well bestowed. When not taxed to display in historical or imaginary pictures the forms of his own conventional prepossessions, Mr. Bulwer's fancy and understanding are lively and acute; he has a quick eye for beauty, and a fine sense of harmony, material and intellectual. At seasons, when self-contemplation and self-love are laid asleep, his thoughts have a dignity and compass, and his language has a simplicity and freedom, that make us regret the more he should so systematically play tricks with them; that he should prefer, in logic and in rhetoric, the “*calamistros Maecenatis*,” and the “*tinnitus Gallionis*,” to the masculine virtues of unadulterated thought and sentiment.

The number of books published or translated within a few years by English scholars upon subjects connected with Greek history and antiquities, shows the interest in such inquiries to be both permanent and increasing. Before the compilations of Gillies and Mitford, the English reader put faith in the abridgements of Goldsmith and Stanyan, in Rollin's uncritical narrative, or in the heavy yet meagre pages of the *Universal History*. From works so light or so dull, nothing accurate or luminous could be looked for; and correct notions of what the Greeks effected for political science, no less



than for literature and art, were confined, if they anywhere existed, to professed scholars and commentators; men, in general, of too little practical acquaintance with life to enter fully into the Hellenic character, or to copy the form and impress of the most civilized people of antiquity. Throughout the eighteenth century philology was employed in collecting the materials of such a work; and the more generous spirit of criticism that appeared at its close, determined their connection and the conditions upon which they might be recombined.

To Lessing, the coryphæus of æsthetical philosophy, belongs also the praise of having been the first to define clearly the elementary laws of ethnic art and history. His *Laocoon*, the earliest modern attempt to follow Aristotle in referring the principles of the fine arts to the operations of the mind, is the key-note to whatever has been since written upon the intellectual cultivation of Greece. With almost the precision of science, and upon the firmest philosophical grounds, he pointed out the essential difference between ethnic and christian modes of feeling and representation. The translations and critical writings of Voss, Winckelman's history of art, and the classical tales of Wieland, brought antiquity home to the more instructed class of general readers; while the lectures of the Schlegels, translated into the principal languages of Europe, introduced into Italy, England and France more comprehensive laws of taste, together with the knowledge of better models than those recommended by Boileau, the Academy, and the Encyclopædists.

Gillies and Mitford were not the men to form or to communicate juster notions of Greek history than were current in their age. Heeren\*, indeed, pays the former the compliment of preferring him to his more learned successor "in taste, and in his conception of the spirit of antiquity." Gillies did not bring to his work the feelings of a pamphleteer; his distortions of fact are therefore less flagrant, and he merits the negative praise of having written under no palpably dishonest prejudices. Without insisting upon his constant perversity, his dulness and provoking ignorance of the re-

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\* *Manual of Ancient History*, 3 sect. 1 period.

searches of continental scholars for at least half a century previous to his own publication, no one by nature, or acquired habits of mind, was less fitted for the historian of Greece than Mitford. Devoid of imagination, unless when investing with ideal virtues a Dionysius or an Alexander of Pheræ; destitute of that sagacity which enables the historian, no less than the mathematician, to divine the whole truth from scattered or fragmentary parts, and leads him from known laws to comprehensive analogies; credulous whenever a people is to be maligned; sceptical or oblivious when a tyrant or an oligarchy is convicted of cruelty or corruption; mistaking the vitality of small states for turbulence, the sloth and somnolence of despotisms for calmness and order; lenient in his judgements of the traitor and the renegade, hostile and harsh to the patriot and political martyr;—Mitford is intelligible to those only, having any acquaintance with the genuine sources of Greek history, who bear in mind that his pen was dipped in the gall of contemporary politics, and that his models for Pericles, Epameinondas and Demosthenes were Pitt, Napoleon and Mirabeau.

Had the influence of Mitford been less pernicious, his misrepresentations and mistakes would be ludicrous. In his pages it is in vain to look for any account of the arts and refinement of Western Asia, (so important to the intellectual development of Greece,) of the youth of poetry and the dawn of philosophy, or of the religious nature of the Attic drama, and its twofold influence upon public opinion and the plastic arts. No idea is given of the national education of the different Hellenic races, combining in just proportion the training of the physical with the discipline of the spiritual man. No hint is there of the effects of Greek civilization and intelligence upon the fairest portion of the world, diffused by colonies and trading-stations along the banks of great rivers, and the coasts of three continents. Of these, and of whatever constitutes the peculiar worth and significance of Hellenic history, as distinguished from the annals of barbarians, there is absolute silence in the pages of the modern historian of Greece.

It is with nations as with individuals; some go "to the Fair of good names, and buy a reasonable commodity of



“them;” while others are stript of their characters by contemporary envy, or by unluckily awakening posthumous prejudices, and so remain threadbare in spite of pleading or proof on their behalf. We doubt whether a people has ever suffered more, in this way, than the Athenian. We have heard its honesty denied on the authority of speeches in private causes, —a disputed water-course, a controverted title to an estate, or an assault and battery,—as if English history should be compiled from the minutes of the Court of Chancery, or the records of the Old Bailey. In censuring the caprice or violence of the Demos of Athens, little attention has been paid to the circumstances that gave rise to its excesses, or to the party from which they proceeded; whether from the aristocracy, ever better inclined to Lacedemonian connexions than to any cordial union with their own commonalty, or from the commonalty itself at some moment of passion or panic, from which better organized states than the Athenian are not at all times exempt. In representative governments, moreover, the blame of rash or unfortunate measures, attaches to the ministers or the delegates of the people: these may be changed and those cashiered, and the historian denounces the ill conduct of one or the other faction without inculpating the nation. But in republics like that of Athens, and perhaps in some measure Syracuse, the people is the head and front of offending, and cannot transfer its regret or its errors to the perfidy of allies, or the incompetence of the Metics. Under all these disadvantages the Athenians laboured, and had, besides, to contend with the ineradicable vices of their constitution.

Solon's legislation was devised for an agricultural people,—inevitable necessity converted them into a maritime one; and successful valour, combined with politic moderation, placed Athens at the head of “all the islands,”—the centre and metropolis of the Ionian League. A similar fortune befel the municipal institutions of Rome, when, from the chief town of a rural district, it became the capital and chancery of republics and empires. But, though the Romans were corrupted much more rapidly than the Athenians, history has dealt more leniently with their national character. Even the convulsionary close of the republic does not obscure the memory of times when civil and domestic virtues, expressed in simplicity of life and man-

ners, aided the vigilance of law and the jealousy of party, in forming, preserving and transmitting, integral and unsullied, the idea of the patriot-citizen. To Rome also was granted the rare destiny of a political metempsychosis. She ceased to be a republic; but it was to become an empire, outwardly more compact, and splendid, and august, than when, in the period of one generation, she triumphed over Carthage, Corinth and Numantia. But Athens lost its supremacy, its colonies and independence before its national life was extinct. A pestilence, unexampled in the ancient world, though not without modern parallels, first laid its moral energies prostrate; its constitution was vicious; its situation insecure; and it was surrounded by neighbours, some more powerful in gold, some in war. Sparta and Thebes contested its federal pre-eminence; its political importance waned beside the Achæan League. Marathon and Salamis were obsolete when the Macedonian missives brought word of the Granicus, and Issus, and Arbela, and that the Persian was fallen,—but by other hands. The Seleucidæ surpassed it in wealth, Alexandria in commerce and in literary pretensions;—it was successively the prize of Mithridates and of Rome;

“it came

Between the pass, and fell incensed points  
Of mighty opposites.”

It had always sided with the unsuccessful, with the Pompeians, with Brutus and Mark Antony; and even the favour of the Cæsars was pernicious to it. At Rome the Greek was mixed up with an indiscriminate crowd of Syrians, Copts, Gauls and Africans; the motives and rewards of honest industry and ambition were taken from him, and the instincts of his national character, cunning, versatility and cleverness, were alone marketable with his patrician masters. Yet from these degenerate scions of the Hellenic stock, historians have often derived their notions of the contemporaries of Pericles and Phocion; and some have even pretended to trace in Themistocles and in the son of Xanthippus, as the representatives of their age and the genius of their countrymen, those qualities, disguised by circumstance but in substance identical, that made the Greek of a later period acceptable to the Roman; as if the Neapolitan noblesse were not descendants



of the Normans of Apulia, or the Dutch at Amboyna and those who trampled on the crucifix in Japan not of the same stock with "those who kept the faith so pure of old," the companions of William of Orange and the conquerors of Alva and Philip.

"To vindicate the memory of the Athenian people without disguising the errors of Athenian institutions," is the design of Mr. Bulwer's work. "It has occupied him," we are told, "many years—though often interrupted in its progress—either by more active employment, or by literary undertakings of a character more seductive." Its appearance coincides with the publication in an English dress of some excellent continental works on Greek antiquities, and with Mr. Thirlwall's contribution to the "*Cabinet Cyclopædia*." Of this latter work our limits permit us only to say, that it is the most valuable addition to our historical literature since the days of Gibbon. It is the quality of Mr. Thirlwall's mind to combine with the exhaustive spirit of the German philologists the practical understanding of the English; nor are his scholastic attainments more remarkable than the intellectual mastery that regulates them. The chances of literary longevity are so precarious, that we will not predict that *his* will become the national work. But to Mr. Thirlwall will belong the permanent praise of raising Greek history from a lower to a higher department, and of rendering it difficult, in future, to misrepresent a people, the first to give to European civilization its distinctive form and character.

"The Rise and Fall of Athens," we are repeatedly assured, is "designed, not for colleges and cloisters, but for the general and miscellaneous public;" the author "writes to the people, and not to scholars." His work is therefore intended to supply to the general reader those broad principles of political philosophy and that acquaintance with ancient literature, arts and life, which, on the continent, are disseminated by oral lectures, or in journals appropriated to æsthetical subjects. Such a work, must in a great measure reflect, even while it aims at advancing, the stage of cultivation that a people has reached in its perception of the beautiful, considered as a part of intellectual philosophy. This is something quite distinct from refinement of manners, patronage of artists,

and a high degree of social intelligence. These may accompany, but they do not necessarily produce, that perception and those feelings which constitute the æsthetical cultivation of a people. Its understanding may penetrate the recesses of science, or solve the knottiest problems of metaphysics and theology; there may be great lawyers in it, and great statesmen; and the conveniences and inventions of life may be brought to the highest perfection; yet if the eye, the ear, and the popular heart be dull and insensible to the creations of art, or if they accept the tinsel of fashion and effect for the presence of ideal beauty in its manifold emanations of form and eloquence, a nation is cultivated on the surface only,—the harmony of its social and intellectual life is incomplete.

That Mr. Bulwer's plan of "uniting with a full and complete history of Athens, political and moral, a more ample and comprehensive view of the treasures of Greek literature than has yet been afforded to the English public," is meant to supply this deficiency, we may infer from his preface. The essential feature of his work is, therefore, that knowledge, divested of merely scholastic questions and speculations, shall be conveyed in a popular form, but elevated by imagination, philosophy and eloquence. But he appears to us either to have misapprehended the nature of a popular work, or not to have made his object sufficiently clear to himself. To separate Athenian from Hellenic history would be impossible, were it even advisable; but Villani and Machiavelli have set an example of writing the history of a city and its limited territory so as to connect it with the contemporary annals of other states, without forgetting that the foreground and principal groups must be reserved for Florentines alone. Mr. Bulwer has too often obscured the civic simplicity of the ancient historians by sentiments or speculations essentially modern. In a work like that before us, whatever distinguishes the Greek from foreigners, the Ionian character from that of other Hellenic races, should be brought distinctly forward. The external splendour of Athenian history should not overlay the sobriety of its social life in the better ages of the republic. The fame of successful war or diplomacy is but the out-growth of the inner spirit of a people. Neither is it a just view of an illustrious race, and it narrows the broad spaces of history



into the precincts of a stadium or a theatre, to make its foremost men alone the objects of attention. They are indeed the symbols of its nationality in the successive stages of its development; but the law and the people are the base upon which they are raised, the materials from which their genius or their fortune is built up. With the general outlines of Athenian story, from the age of Peisistratus to the death of Alexander, most readers, even of the "miscellaneous public," are tolerably conversant; but they need to be told what Greece presented of beautiful or singular to the eye, the ear, and the social feelings. When rendered familiar with the visible, they will be prepared for deeper views of the "*tempora cum causis*," of the laws of national phenomena, the grounds of political and moral action. We do not recommend the style of Herodotus or Froissart, for the fashion of language passes away with the age that produced it; and to narrate with their liveliness, we must behold and inquire with that mixture of awe and delight accorded to only one period in the life of an individual and of a people. As an illustration of our meaning, we will take Mr. Bulwer's account of the Pelasgians, so important an element in the constitution of the Ionian race, and especially in that of the Athenian family.

From a work designed for popular instruction he very properly excludes any "lengthened\* consideration of those disputes, so curious and so inconclusive, relative to the origin of the Pelasgians." In a general history of Greece this is an interesting question, how far the Pelasgians were the race which, under various names of Helots in Laconia, Gymnesians in Argolis, Corynephori at Sicyon, and Mnoitæ in Crete, yielded to the more warlike races, or mingled with them, and what influence they had upon the religion, the political institutions, and the intellectual cultivation of the Hellenes. For

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\* Mr. Bulwer is rather inclined to congratulate himself prematurely upon his exemption from the hallucinations of the learned. In the sentence before this he says: "I do not pause to inquire whether, after the destruction of Babel, Javan was the first settler in Attica, nor is it reserved for my labours to decide the solemn controversy, whether Ogyges was the cotemporary of Jacob or of Moses." And again, in his introductory remarks upon the origin of Grecian religion, he disclaims any fellow-feeling with those theorists who maintain "the religion of the Greeks to be but a type of the mysteries of the Jews, the event of the Deluge, and the preservation of the Ark," &c. The governor of Glubdubdrib was waited upon by ghosts, and Mr. Bulwer must have a similar establishment, if he is still conversant with the speculations of Bryant, Warburton and Monboddo.

Athenian history this is less necessary; the Pelasgian connection with Attica is better ascertained. We are more curious to know in what proportion they blended with the Achæan and Ionian races; and on what terms, whether as the Saxons of England with the Normans, or as equal sharers of municipal rights in the demes or townships, and of lands in the partition of the soil. Amidst all the obscurity of their origin, enough is known of the character and condition of this remarkable people, to render the scattered notices of it, preserved in ancient writers, an appropriate part of a work designed to represent, objectively, the successive eras of Athenian history.

Two opposite, but not contradictory accounts have been transmitted. The one, followed by Hesiod, Asius, Æschylus and Ephorus, and which may be distinguished as the upland tradition, represents them as a stationary, or, as the Greeks expressed it, an autochthonous race, sprung from the soil which they occupied, whose ancestral seats were Arcadia, Thessaly and Argolis, and who were the original population of Achaia and Attica. Pelasgic settlements were, however, to be found throughout Hellas, upon the islands and coasts of Asia Minor, so far down as Mycale, and stretching across from their earliest seats on the eastern side of Pindus, in Thessaly, to the Thesprotian Dodona. In Sicily too, as Siculi, on the western shores of Italy, in Etruria, in Sardinia and Corsica and the Balearic Isles, where they encountered the Phœnicians and the Iberi, perhaps in Liguria and the southern coasts of Gaul, where they would meet the earliest swell of the Keltic migration, were Pelasgians to be found.

In the opposite account, but which has neither the consistency nor the authenticity of the older tradition, they appear in a state of ruin and decay, like the shallows and streamlets left by a retiring flood, "pursued by the heavenly powers with never-ending calamities;" sometimes as the serfs, and sometimes as the hired artisans of more fortunate tribes; and in Etruria alone retaining somewhat of their national unity, but of evil repute for piracy. But wherever the Pelasgians appear as a settled race, they availed themselves skilfully of the natural advantages of their situation. Tillage and useful arts were their proper and original pursuits. The first to settle



in alluvial plains, so soon as some of the convulsions of nature, so common to the eastern limb of the continent of Europe, had discharged the waters, or confined them within the beds of lakes and rivers, they were said to have been "sent forth" by the black earth in the shady mountains, that the race of "mortals might exist;"—to have taught a people more rude than themselves to substitute the fruit of the oak, the sweet mast of the fagus, for leaves and wild herbs,—their boar skins for woollen garments, and their caves for rude huts. In this account, probably not more authentic than the speculations of certain philosophers upon primitive society, we may recognise the relation in which the Pelasgians were conceived to stand to the elements of Greek civilization. It is a symbolic picture of the first race that departed from the merely instinctive existence of savages. Afterwards,—if in the silence of chronology we may use the successions of time,—we find them herdsmen in mountainous districts, tillers of the ground and graziers in broad plains; mariners among the islands and numerous bays of the *Ægean*; masons wherever they found quarries of stone and marble; and potters wherever the earth afforded them fine clay. They seem to have attained that stage of civilization of which a widely-spread and ingenious people is capable, without a central government and foreign connections, but which has been always found to give way to the superior intelligence of invaders who come over the sea, or to the rude assault of those who descend from the mountains; to one or other of which classes, in the ancient world, was apparently assigned the part of destroying and renovating the external order of society.

In this necessarily very imperfect sketch of the appearance of the Pelasgians in remote history, we have merely aimed at pointing out to Mr. Bulwer that, without straying beyond the narrow limits of what is known, he might have presented to his readers a lively and instructive picture of one of the greatest nations of ancient Europe, as well as furnished to the main action of his work a more appropriate prelude than is now contained in a few rather meagre and declamatory pages.

Passing over the question whether Greece was materially affected by foreign colonists and emigration, we come to the interesting subject of the national religion. And here again

Mr. Bulwer appears to have mistaken what a history designed for the public and not for scholars required. Through several pages he discourses upon the source and formation of religious impressions in a people whose civilization is in its infancy. The external aspect of religion rather than its origin, the influence of its native mythology and ritual upon the Ionian race; how that influence was modified by the natural features of Attica, by intercourse with foreigners, and the example of the surrounding Dorian states; and in what way the genius of the people and the creed reflected one another, are subjects of investigation not less interesting, because they admit, in some degree, of historical treatment, than loftier speculations which can obtain only a conditional assent. Beneath the uniform eloquence in which Mr. Bulwer delights to clothe his researches, the bias of his opinions is not always apparent, and the most important points of a question are sometimes lost in the smooth or sonorous flow of his periods. He does not seem aware of the superior *picturesqueness* of facts, carefully selected and arranged, even in compositions intended to catch and dazzle, to the most subtle or showy disquisitions. It has cost us, therefore, some pains, though not wholly unused to such investigations, to detach Mr. Bulwer's real views of the religion and mythology of Greece from what is merely adventitious and ornamental in his exposition of them. And this love of fine writing is the more to be regretted, since his conclusions are for the most part sound, and show a praiseworthy indifference to any preconceived system, either of his own, or of the many advanced by modern scholars\*.

We are willing then to be told, that with "the native and aboriginal deities of the Pelasgians rests the foundation of the Greek mythology;"—that there existed an indelible distinction between the Grecian and Egyptian mythology; viz. "that the first was actual, real, corporeal, household; the second vague, shadowy and symbolical;"—that "amongst the

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\* In this section, more, perhaps, than in any other of the work before us, we miss the references. In questions where to speculate is easy, and spurious philology "projecta villior alga," the grounds and limits of certainty are so narrow, that they cannot well dispense with vouchers. The mere *αὐτὸς ἑσθ* is perplexing. We should have rejoiced, also, in a more liberal employment of the poets, "the divines of Paganism;" they would have rendered the inquiry more attractive, and not less luminous.



"Greeks there never was, at any known historical period, a distinct caste of priests." This latter position, however, for its moral results at least, must be received with some allowance; since the spirit of a priesthood existed potentially in the government, and was sometimes put forth with little less than an inquisitorial zeal and promptness. We quite agree with Mr. Bulwer, that the plastic imagination of the people was thus at liberty to expatiate in the realm of sculpture without endangering the orthodoxy of their faith; and to reject, as unworthy of the pure anthropomorphism of Hellenic feeling, all allegorical deformities and symbolical attributes that blended animal forms with the human; and, lastly, that however foreign influence might operate in adding new conceptions to the simple deities of Hellas, every such addition was quickly nationalized, and rendered capable of being advanced from the *natural* to the ideal.

But of the ritual, the festivals and the deities peculiar to Athens, of the Ionian oracles, and the rural religions of Attica, Mr. Bulwer takes no notice. He recognises, indeed, in "the glorious and august Glaucopis of Homer," the emblem of the "genius multiform yet individual of the Grecian people; and becoming among all the deities of the heathen heaven, what the Athens she protected became upon the earth." Yet the importance of the Thesmophoriæ, and the mysteries of Eleusis, render some mention of Demeter and Persephone, beyond a mere allusion to their tutelary office, not out of place in a work devoted to Athens. Zeus and Apollo, with their manifold attributes of sovereignty and divination, or in their more immediate relations to Athens as the protectors of the citizens, the soothers of calamity and sorrow, the guardians of oaths, of covenants and the laws, fare no better. Mr. Bulwer could hardly treat them with more indifference were he a hierophant of some Egyptian temple. Neither the connection of the Dionysiac festivals with the drama, nor the interesting question, how far the early creeds of the Ionian race partook of an Orgiac and oriental character, elicits from him any marks of acquaintance with Dionysus, although Müller's important work on the Dorians has been consulted by him. Sport and earnest were never more remarkably combined than in the Athenian people. They had twice as many holi-

days as any of the other Greek cities, yet business was transacted by them on three hundred days of the year. The perfect circle of the drama was made up by the opposition of tragedy, as it was in the hands of Æschylus and Sophocles, to the old comedy. Nor was this peculiarity less striking in the licence with which the poets treated their deities on the stage, and the zeal with which the people resented the speculations of Anaxagoras and Socrates. Yet of the worship of the Eumenides and the Earth, of that of Kronos and the Mother of the Gods, or of those darker superstitions by which the life or the reason of others were supposed to be affected, or nature disturbed in her operations, which, in contrast with the serene and intelligent deities of Olympus, represent the same struggle between the feelings of hopefulness and dread, nothing is told. Mr. Bulwer seems to consider that the proper method of describing the influence of religion and popular mythology upon "the miscellaneous public" is, on such subjects, to make his history, like that of Viola—a blank.

It is with pleasure proportioned to the reluctance with which we note the defects of a work praiseworthy in its design and needed in our literature, that we take as our first extract the following graceful and reflective passage from the conclusion of his account of Grecian mythology.

"We must remember that the Greeks were the only nation amongst the more intellectual of that day, who stripped their deities of symbolical attributes, and did not aspire to invent for gods, shapes differing (save in loftier beauty) from the aspect and form of man. And thus at once was opened to them the realm of Sculpture. The people of the East, sometimes indeed depicting their deities in human forms, did not hesitate to change them into monsters, if the addition of another leg or another arm, a dog's head, or a serpent's tail, could better express the emblems they represented. They perverted their images into allegorical deformities; and receded from the Beautiful in proportion as they indulged their false conceptions of the Sublime. Besides, a painter or a sculptor must have a clear idea presented to him, to be long cherished and often revolved, if we desire to call forth all the inspirations of which his genius may be capable; but how could the Eastern artist form a clear idea of an image that should represent the sun entering Aries, or the productive principle of Nature? Such creations could not fail of becoming stiff or extravagant, deformed or grotesque. But to the Greek, a god was something like the most majestic or the most beautiful of his own species. He studied the human shape for his conceptions of the divine. Intent upon the Natural, he ascended to the Ideal.



"If such the effect of the Grecian religion upon Sculpture, similar and equal its influence upon Poetry. The earliest verses of the Greeks appear to have been of a religious, though I see no sufficient reason for asserting that they were therefore of a typical and mystic character. However that be, the Narrative succeeding to the Sacred Poetry materialized all it touched. The shadows of Olympus received the breath of Homer, and the gods grew at once life-like, and palpable to men. The traditions which connected the deities with humanity—the genius which divested them of allegory—gave at once to the epic and the tragic poet the supernatural world. The inhabitants of Heaven itself became individualized—bore, each, a separate character—could be rendered distinct, dramatic, as the creatures of daily life. Thus, an advantage which no moderns have ever possessed, with all the ineffable grandeur of deities, was combined all the familiar interest of mortals; and the poet, by preserving the characteristics allotted to each god, might make us feel the associations and sympathies of earth, even when he bore us aloft to the unknown Olympus, or plunged below amidst the shades of Orcus.

"The numerous fables mixed with the Grecian creed, sufficiently venerable, as we have seen, not to be disclaimed, but not so sacred as to be forbidden, were another advantage to the poet. For the traditions of a nation *are* its poetry! And if we moderns, in the German forest, or the Scottish Highlands, or the green English fields, yet find inspiration in the notions of fiend, and sprite, and fairy, not acknowledged by our religion, not appended as an apocryphal adjunct to our belief, how much more were those fables adapted to poetry which borrowed not indeed an absolute faith, but a certain shadow, a certain reverence and mystery, from religion! Hence we find that the greatest works of imagination which the Greeks have left us, whether of Homer, of Æschylus, or of Sophocles, are deeply indebted to their mythological legends. The Grecian poetry, like the Grecian religion, was at once half-human, half-divine—majestic, vast, august—household, homely and familiar. If we might borrow an illustration from the philosophy of Democritus, its earthlier dreams and divinations were indeed the impressions of mighty and spectral images inhabiting the air."

Hitherto we have been occupied with merely prefatory matter. Nor, indeed, does the narrative portion of the work begin till the second book (vol. i. p. 311), details of an antiquarian or speculative nature, and notices of the more important scholastic inquiries relating to Greek antiquity, occupying its earlier pages. Referring to the book itself for an account of the most important revolution of early Greece, the gradual occupation of Peloponnesus by the Hellenes and the predominance of the Doric race, commemorated in history as the return of the descendants of Hercules, with the consequent emigration of the more resolute or the more noble of

the earlier inhabitants, and the colonization of Asia Minor by a mixed race of Ionians, Achæans as well as Hellenes and Pelasgians, we pause at the next momentous period of Grecian history, the subsidence of its many races into two principal streams, the Dorian and Ionian families, whose moral and political antagonism is one of the most instructive lessons, because of perpetual application, which Time has bequeathed to History.

The cautious or the hardy spirit of philology has thrown doubts upon the personal existence of Lycurgus, and left him only the honours of an eponymus, or a name that marks in remote history the beginning of a new era distinguished by some organic change. The arguments, however, which would set him aside, do not outweigh the constant and not improbable tenor of tradition. Whether the peculiar institutions attributed to him were really his work, in the same sense as certain modern constitutions originated with Mr. Bentham, or whether they were borrowed and adapted, or merely the national usages of the Dorians renewed and consolidated, are more profitable questions, but scarcely less difficult to answer satisfactorily. The Highlands of Laconia seem in all ages to have been the home of a warlike aristocracy, from the heroic times to the modern Mainotes. The rugged nature of the interior rendered it ill-suited to commerce, while it admitted of being apportioned in large domains, cultivated by predial servants or slaves, and guarded by fortified castles or towers. Herodotus describes it as the worst-ordered country in Greece; and its evils, so far as we can gather them from the vague accounts of historians, were those that belong to a state of society in which an aristocracy has usurped the authority of the executive without conceding any rights to the people.

"When Lycurgus," says Mr. Bulwer, "returned to Sparta, after many solicitations, he found the state in disorder; no definite constitution appears to have existed; no laws were written. A turbulent nobility—rude, haughty mountain-chiefs—made the only part of the community that could benefit by the weakness of the crown; and feuds among themselves prevented their power from becoming the regular and organized authority of government." For such discordant elements, by the voice of his countrymen and the



sanction of the Delphic oracle, Lycurgus was called upon to arbitrate, and to discover a law that should unite, and principles that should direct them. We shall not follow Mr. Bulwer's outline of the Spartan constitution, as we are more anxious to exhibit the Dorian character in its moral and social antagonism to the Ionian; and those who read history at all, are acquainted with the general features of these remarkable institutions.

An event in Spartan history illustrates more forcibly than argument or analysis the intense hold the legislation of Lycurgus obtained upon the habits of his countrymen. And, since it was the principal aim of his system to produce the discipline of habit rather than any more spiritual control upon the feelings and conscience, his success as a lawgiver may be measured by the complete attainment of his purpose of rendering the Spartan citizen a consummate machine, perfect in its obedience to certain springs, and unerring in the performance of its appointed evolutions. An earthquake had shaken Sparta to its foundations; five houses only, it is said, were left standing, and twenty thousand citizens, according to another report, were crushed by masses of rock rolled down from Taygetus, or swallowed up in chasms of the earth. Nor did the shocks, as is usual, pass onward to other regions, but seemed, as it were, land-locked in the valley of the Eurotas. Many of the Helots, already ripe for revolt, probably from having been in correspondence with Pausanias, hastened to the city, while the citizens were busied in recovering the remains of their property from the ruins, or in composing the bodies of their dead, in the hopes of finding it defenceless, and of avenging at once their ancestral and singular wrongs. But King Archidamus, fore-warned, or foreseeing the danger, ordered the trumpets to be sounded, as if an enemy were approaching, and instantly the scattered and awe-stricken citizens fell into the close order of the Spartan phalanx, and presented to their disorderly foe the compactly serried ranks of the Hoplites. The Helots retreated and broke up, or fled across the Messenian border, and Sparta was saved.

Between the return of the Heracleids and the Persian wars was the most flourishing period of Spartan supremacy; and the historian, who would trace in their greatest purity the



character and institutions of this remarkable people, must study them in this interval, while both existed untouched by foreign influence and without a rival. In the Persian wars, though still the leading power in Greece, and notwithstanding its services at Thermopylæ and Platea, Sparta was inferior in energy to Athens, to the genius of whose foremost men the triumphant issue of the struggle must be attributed. And even in the Peloponnesian war, though finally successful, the confederation of which Sparta was the head yielded in brilliancy of action and policy to the league of Athens and the maritime states. Under Agesilaus the Spartans opened the way to the Macedonian conquest of Asia, but not as a people. The "unwalled city" was upheld by a few illustrious men and by its ancient reputation; its national integrity, which it was the aim of Lycurgus to produce, no longer existed. Long before that period, the hereditary vices of the Dorians, which their institutions were perhaps better suited to conceal than correct, had surmounted their virtues; and in the selfish, luxurious and grasping oligarchy of the third century B.C., it is difficult to recognise the disciplined and hardy warriors who gave up their individual being to the interests and glory of the commonwealth. Nor was this altogether the result of corruption in manners, or of degeneracy in the Spartans themselves; but the natural working of time, that, by the change of external circumstances and by the inevitable contagion of new principles of thought and feeling, renders the best devised institutions, when not renovated by the introduction of living germs and by the seasonable excision of what has ceased to live, but as dry and sapless trunks returning to the earth, unless sooner removed by the axe or the elements. "This rigidity of ancient usages," Mr. Bulwer justly observes, "was binding long after its utility was past. For what was admirable at one time became pernicious at another: what protected the infant state from dissension, stunted all luxuriance of intellect in the more matured community."

The Roman prætor, or the Spanish viceroy of modern history, are, perhaps, the nearest parallels to the Spartan in his demeanour to strangers or subjects, or in his feeling towards allies. But the former were grosser representatives of power;

they were followed by a numerous train, and with the pomp and circumstance of war. There was more intellectual dignity in the Spartan, despatched as a herald or a harmost, with the pithy mandates of his government, or as the bearer of the inscrutable scytale to such officers as neglected or exceeded their commission. A slight retinue of Helots, and, if his errand were out of Peloponnesus, a single vessel sufficed him. He was the image of "war in procinct." Prompt, arrogant, but passionless, he delivered, without comment or condition, the order, sometimes ironical always peremptory, of the council or the ephors. His craft,—for the Spartan was as astute, and latterly as versatile as the most quick-witted Athenian, or the wildest satrap,—was of the same order with his imperativeness. Both were results of his civil relations as an aristocrat, and of his early training.

"If some Spartans were noble," says Mr. Bulwer, "every Spartan boasted himself gentle. His birth forbade him to work, and his only profession was the sword. The difference between the meanest Spartan and his king was not so great as that between a Spartan and a Periæcus. Not only the servitude of the Helots, but the subjection of the Periæci, perpetually nourished the pride of the superior race; and to be born a Spartan was to be born to power. The sense of superiority, and the habit of command, impart a certain elevation to the manner and the bearing. There was probably more of dignity in the poorest Spartan citizen than in the wealthiest noble of Corinth—the most voluptuous courtier of Syracuse."

It was not until the Spanish infantry had been repeatedly broken by the French and Switzers, that it was discovered that the troops of Philip the Fourth and Fifth were no longer "the Black Bands" of Ferdinand and Charles; and that behind the gravity of the viceroy, and the ponderous ceremonies of his court, were concealed qualities the reverse of courage or dignity. And it required, perhaps, a battle like that of Sellasia, and tyrants like Machanidas and Nabis, to effectually destroy the belief that sovereignty was inherent in the Dorians of Sparta.

The superiority of Sparta in political influence, and its adherence to the letter, at least, of its national institutions, gave to the Dorian character in Laconia a unity and precision not equally preserved in the other states and colonies of that people. Argos, exhausted by its wars with Sparta, never re-



gained more than a secondary rank among Dorian states. Elis, though not wholly "unvisited by foreign wars and civil commotions," enjoyed, under the federal government of its Hellenodicaë, as the guardians of the common sanctuary of the Greek nation and the managers of the Olympic Games, privileges better ascertained, and more strictly respected for many ages than the states of the Church in modern Europe. The Dorian character assumed a milder form under the joint influence of wealth and tranquillity. In Sicily a mixture of races, a richer soil and an active commerce undermined the aristocratical consistency of the Dorians, without imparting, in return, the vigour and pliancy of more liberal institutions. "When," Mr. Bulwer has noticed, "any Doric state abandoned its hereditary institutions, it soon lost the Doric character,—became lax, effeminate, luxurious,—a corruption of the character of the Ionians." But we cannot concede to him that "the voluptuous Corinth,—the trading Ægina (Doric states), infinitely more resembled Athens than Sparta." It is surely an unfair view of the susceptible genius of the Ionians, to represent it as a degenerate and turbulent spirit, such as the colonies in Magna Græcia and the Sicilian cities exhibited. More correctly he has defined "the essence of the Ionian character to consist in the spirit of change." But "the spirit of change," or more properly of adaptation to the perpetual course of circumstance,—new classes of citizens rising up to the level of political rights, and altered relations abroad,—is not identical with that selfish resistance to timely innovation that, assuming habitual forms of government to be the best possible for all times, denies to any class but that actually in possession of the power or the resources of a state, participation in its revenues or the administration of the laws. Before extended commerce calls into being a mercantile class, and while the foreign interests of a people are limited to the preservation of their own boundaries or access to the neighbouring markets or harbours, a predial aristocracy, like that of Thessaly and the modern Hungary, is the people,—the other elements of a nation exist but potentially. To deny them room to expand, or admission when they have risen up to the surface of nationality, was the cause, apparently, of the calamitous doom of the Greek cities in Southern Italy, of the



internal blight of Sparta and other Dorian states, and was a destiny that at one period of her history threatened Rome, long before her wars with Carthage led her on to the subjugation of the world. To discern the time when change is salutary, and to avert the violence of innovation by meeting it wisely and humanely, is the prescience of a statesman,—the faculty which Pericles and Chatham possessed, and which Sylla wanted. The golden opportunity of uniting the permanence of a people with its progression was put into the hands of the Athenians rather than seized by its statesmen, by the fusion of all ranks and privileges in the events of the Persian war. When the exiles met on the beach of Salamis, there were among them neither rich nor poor, neither eunatrid nor artisan; and when they returned to the blackened walls and prostrate temples of Athens, it was no longer possible to withhold, from any order of citizens, the rights for which all had contended in common. Thenceforward the democratic principle was ascendant; while that of aristocracy, remaining improgressive, waned after a few Olympiads were past, until the conspiracy of Cinadon showed upon how hollow a base rested the constitution of Sparta, how empty it was of true vitality, how crumbling and shrunken when approached. And thence it was, that although Athens had incurred the guilt of an unrighteous war in Sicily, and had sunk beneath the craft and forces of Lysander, or rather under its own corruption of morals and political levity, the Athenians of the hundred and tenth Olympiad were capable of regeneration for a time, and of responding not unworthily to the exertions and the eloquence of Demosthenes.

Of some portion of the fame that belongs to them as a people, the Dorians have been for the most part deprived by historians. The intellectual and artistic splendour of Athens has thrown theirs, except in music and architecture, into the shade. “The Dorian states,” Mr. Bulwer observes, “regarded the lyre and the song as powerful instruments upon the education, the manners, and the national character of their citizens. With them these arts were watched and regulated by the law, and the poet acquired something of the social rank, and aimed at much of the moral design of a statesman and a legislator.” With them originated Comedy; although, from

the titles of some of the plays of Epicharmus, it was probably mythological in its contents, rather than in its oldest form a representation or a parody of existing manners. One of our heaviest losses, however, in ancient literature, is that of the Doric comedy; in all likelihood they repaid in kind Aristophanes' girds at their broad pronunciation and formal manners, and held up to ridicule the sibilant and restless vivacity of the Ionians. One lofty species of poetry they cultivated in its original purity, after it had declined in Attica, to the coarse, humorous and grotesque exhibitions of the Phallic songs.

"Amidst the Dorian tribes," says Mr. Bulwer, "the Dithyramb retained the fire and dignity of its hereditary character,—in Sicily it rose in stately and mournful measures to the memory of Adrastus the Argive hero,—in Corinth, under the polished rule of Periander, Arion imparted to the antique hymn a new character and a more scientific music."

Gnomic poetry was as expressive of the shrewd and vigorous understanding of the Dorians, as moral apothegms and proverbial sentences were characteristic of the meditative genius of Eastern philosophy, and in Crete and at Sparta the laws were recommended, and constitutional maxims delivered in verse. When Mr. Bulwer asks, somewhat reproachfully, what Sparta has bequeathed to the imagination or the intellect of posterity beyond "the names of two or three minor poets, and some half a dozen pages of pointed reparation," he is scarcely just to a people whose business was with war and politics rather than with art, but which, nevertheless, warmly encouraged such foreign poets as complied in their compositions with the ruling maxims of the state. And he unfairly contrasts the products of the Dorian mind with those of the Ionian. Whereas of the three great divisions of Greek lyric poetry, the Æolian, the Dorian and the Ionian, the Dorian alone has transmitted, in the extant poems of Pindar, one majestic column of song whereby to judge of the inexpressible loss we have sustained in the destruction of the other national branches of the most passionate and individual species of imaginative art.

Before quitting the subject of the earlier forms of Greek poetry, we must protest against the tone Mr. Bulwer assumes in speaking of the celebrated controversy upon the mode in



which the two great Homeric poems were produced and handed down. When the most eminent philologists are divided in opinion upon a question of great extent and difficulty, other inquirers, especially one whose researches have been "interrupted by more seductive literary undertakings," may well hesitate in their decision. Wolfe, Heyne and Niebuhr, to say nothing of living scholars, were not remarkable for a "prodigious extravagance of assumption" in their critical speculations, neither for "monstrous hypothesis." Nor is the antithesis, that sets "plain men" in opposition to critics and scholars a very intelligible one when applied to a question for the solution of which common sense affords no data, but the calculation of probabilities with an honest indifference to the results. Mr. Thirlwall, who has thoroughly sifted the arguments of the disputants on either side of the controversy, states his own conclusions with his wonted candour and modesty; nor can any remonstrance from us set Mr. Bulwer's mode of refutation in so unfavourable a light as the comparison of it with Mr. Thirlwall's. In a similar spirit Mr. Bulwer allows himself to call "Schlegel eloquent but superficial." It may be so; and it is not an uncommon case with writers upon the fine arts and literature; but it makes some difference by whom they are called so.

We have dwelt the longer upon the introductory chapters of the Rise and Fall of Athens, because in their eagerness to arrive at the more splendid periods of Athenian story, historians have often failed to mark with sufficient precision what may be termed the formative ages of the Hellenic character. For if in the individual man the business and pressure of the world obscure the real qualities of his temper and understanding, much more the crises and consummation of national life serve to dazzle and lead astray the observer from the true groundwork and causes out of which these arise. The Dorians, as Mr. Bulwer justly remarks, belonged to an elder era of civilization than the Ionians. Until Marathon had given to the latter race a new impulse, Sparta, to invert the noble metaphor of Cimon, had not its *companion*. In the opposition of the two cities, in all its manifold degrees of intensity, consisted the national aggregate of the Greeks as a people. And the clear and almost empirical manner in which their



history exhibits the workings of these counter-forces of permanence and progression, renders it, as it were, the mirror and microcosm of political action in all times. "It hath pleased God," says Lord Bacon, "to ordain and illustrate two exemplar states of the world for arms, learning, moral virtue, policy, and laws; the state of Græcia and the state of Rome, the histories whereof occupy the middle part of time." The history of the latter is that of a system, more important in having been the frame or mould wherein modern society was cast, than as adding to our knowledge of man as an individual. But with "the history of the other exemplar state" begins the epoch at which the civilisation of Europe breaks off from that of the earlier cultivated regions of the world: and it contains the elements, and the first combinations made with them, by the operation of the conflicting principles of conservation and change, that distinguish the political evolutions of Europe from the Nomad combinations of Africa and Asia. In the following passage Mr. Bulwer has rightly stated the principle of Grecian history, and the philosophy of modern states.

"It is then to Sparta, that in the historical times we must look chiefly for the representative of the Doric tribe, in its proper and elementary features; and there pure, vigorous, concentrated, the Doric character presents a perpetual contrast to the Athenian. This contrast continued so long as either nation retained a character to itself;—and (no matter what the pretence of hostility) was the real and inevitable cause of that enmity between Athens and Sparta, the results of which fixed the destiny of Greece.

"Yet were the contests of that enmity less the contests between opposing tribes than between those opposing principles which every nation may be said to nurse within itself; viz. the principle to change, and the principle to preserve; the principle to popularize, and the principle to limit the governing power: here the genius of an oligarchy, there of a people; here adherence to the past, there desire of the future. Each principle produced its excesses, and furnishes a salutary warning. The feuds of Sparta and Athens may be regarded as historical allegories, clothing the moral struggles, which, with all their perils and all their fluctuations, will last to the end of time."—Vol. i. p. 115.

Hitherto we have afforded our readers no specimens of Mr. Bulwer's descriptive style, our attention having been drawn chiefly to his "details of an antiquarian and speculative nature," where, as we have before observed, he is sometimes deficient in clearness, from a mistaken ambition of effect. Before

however, we proceed to notice briefly the narrative portion of his work, we will lay before them a few paragraphs of his account of Elis, the "holy land" of Greece, and of the Olympian festivals—both as intimately connected with some important features of the Hellenic character; its twofold education of the body and the mind, its artistic feeling, and its capacity, with better institutions, of a federal union more intelligent than the Achæan, and more compact than the project of the Olynthians; and as a fair example of Mr. Bulwer's eloquence when justified by the dignity or the beauty of his subject.

"The origin of the Olympic Games is lost in darkness. The legends which attribute their first foundation to the times of demigods and heroes, are so far consonant with truth, that exhibitions of physical strength made the favourite diversion of that wild and barbarous age which is consecrated to the Heroic. It is easy to perceive that the origin of athletic games preceded the date of civilisation; that, associated with occasions of festival, they, like festivals, assumed a sacred character; and that, whether first instituted in honour of a funeral, or in celebration of a victory, or in reverence to a god,—religion combined with policy to transmit an inspiring custom to a more polished posterity.

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 "After the fiftieth Olympiad (B.C. 580,) the whole management of the games, and the choice of the judges, was monopolized by the Eleans. Previous to each festival, officers, deputed by the Eleans, proclaimed a sacred truce. Whatever hostilities were existent in Greece, terminated for the time; sufficient interval was allowed to attend and to return from the games.

"During this period the sacred territory of Elis was regarded as under the protection of the gods—none might traverse it armed. The Eleans arrogated the right of a constant sanctity to perpetual peace; and the right, though sometimes invaded, seems generally to have been conceded. The people of this territory became, as it were, the guardians of a sanctuary; they interfered little in the turbulent commotions of the rest of Greece; they did not fortify their capital; and, the wealthiest people of the Peloponnesus, they enjoyed their opulence in tranquillity; their holy character contenting their ambition. And a wonderful thing it was in the midst of those warlike, stirring, restless tribes—that solitary land, with its plane grove bordering the Alpheus, adorned with innumerable and hallowed monuments and statues—unvisited by foreign wars and civil commotion—a whole state, one temple!

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 Neither did any of those haughty assumptions of lineage, or knightly blood, which characterise the feudal tournament, distinguish between Greek and Greek. The equestrian contests were indeed, from their expense, limited to the opulent, but the others were impartially free



to the poor as to the rich—the peasant as the noble; the Greeks forbade monopoly in glory. But although thus open to all Greeks, the stadium was impenetrably closed to barbarians. Taken from his plough, the boor obtained the garland, for which the monarchs of the East were held unworthy to contend, and to which the kings of the neighbouring Macedon were forbidden to aspire till their Hellenic descent had been clearly proved. Thus periodically were the several states reminded of their common race, and thus the national name and character were solemnly preserved. Yet, like the Amphyctyonic league, while the Olympic festival served to maintain the great distinction between foreigners and Greeks, it had but little influence in preventing the hostile contests of Greeks themselves.

"The very emulation between the several states stimulated their jealousy of each other; and still if the Greeks found their countrymen in Greeks, they found also in Greeks their rivals.

"We can scarcely conceive the vast importance attached to victory in these games; it not only immortalised the winner, it shed glory upon his tribe. It is curious to see the different honours characteristically assigned to the conqueror in different states. If Athenian, he was entitled to a place by the magistrates in the Prytaneum; if a Spartan, to a prominent station in the field. To conquer at Elis was renown for life,—"no less illustrious to a Greek than consulship to a Roman." The haughtiest nobles, the wealthiest princes, the most successful generals contended for the prize; and the prize (after the 7th Olympiad) was a wreath of the wild olive.

"No other clime can furnish a likeness to these festivals: born of a savage time, they retained the vigorous character of an age of heroes, but they took every adjunct from the arts and the graces of civilisation. To the sacred ground flocked all the power, and the rank, and the wealth, and the intellect of Greece. To that gorgeous spectacle came men inspired by a nobler ambition than that of the arena. Here the poet and the musician could summon an audience to their art. If to them it was not a field of emulation, it was at least a theatre for display.

"The uses of these games were threefold;—1st. The uniting all Greeks by one sentiment of national pride, and the memory of a common race; 2ndly. The inculcation of hardy discipline—of physical education throughout every state, by teaching that the body has its honours as well as the intellect—a theory conducive to health in peace—and, in those ages when men fought hand in hand, and individual strength and skill were the nerves of the army, to success in war; but, 3rdly, and principally, its uses were in sustaining and feeding as a passion, as a motive, as an irresistible incentive—the desire of glory. That desire spread through all classes—it animated all tribes—it taught that true rewards are not in gold and gems, but in men's opinions. The ambition of the Altis established fame as a common principle of action. What chivalry did for the few, the Olympic contests effected for the many. They made a knighthood of a people."

With its second book commences the proper business of the *Rise and Fall of Athens*; the history of the Athenian people from the first collision of the popular party with the



aristocracy, through its successive eras of triumph, maturity and decay. The volumes before us bring it, in politics, down to the supreme administration of Pericles; in the arts and literature, to a critical analysis of the tragedies of Sophocles. From Solon's legislation to the complicate web of political interests and action that proceeded from the Peloponnesian war, and the renewed interposition of Persia in the affairs of Greece, the principal events of Athenian history are familiarly known to most readers. Mr. Bulwer relates them with considerable animation, and with some paradox; but he has not been altogether happy in catching the even and dignified tone of history. That, at the first, he did not set clearly before himself the proper objects of his work, is more apparent to us in his continuous narrative than in his preliminary disquisitions. This will perhaps be most perceptible by a comparison of the impressions that arise from reading the same events and characters in the original narrators, or in Mr. Thirlwall's compilation, with those which remain after perusing Mr. Bulwer's volumes. In the latter, there is eloquence, research, and philosophy, but nowhere a whole. He has often vividly apprehended his subject, never embraced it, nor brought to details the architectonic power of construction.

We shall therefore best consult for the real merits of Mr. Bulwer's work, as well as our own limits, by confining our attention to a few of its more striking paragraphs, whether remarkable for their eloquence and animation, for novelty or philosophy. And, as these are the passages most likely to awaken the interest of the general reader for juster and more inspiring views of Greek history than are to be met with in Mitford or his predecessors, however they may fall short of the expectations of the more instructed, they are for this reason the most valuable portions of the *Rise and Fall of Athens*.

Draco's penal code was either an attempt to overawe and repress the popular party, or a concession made to it, by exchanging oral and traditionary laws for written,—an important step towards a better system of government, but like all concessions of a ruling and privileged class, it came too late. The conspiracy of Cylon, twelve years after Draco's legislation, showed the insecurity of the oligarchy and the futility of half-

measures in reform. Solon's legislation was more effectual; its general aim, as he himself explained it, was to enable the commonalty, by a sufficient share in the making laws and in their administration, to protect itself, while he scrupulously retained for property and rank their legitimate, or their useful, influence. By the introduction of the practice of appeals, and by encouraging popular assemblies, he made the magistrates, although the qualification for office was high, responsible to the governed. Neither was he subject to the culpable vanity of regarding any modification of reform as a final measure. He gave the Athenians the best laws they were capable of receiving, but he did not shut the door to future improvements, when the increased intelligence of those for whom he legislated might call for them. His system was not, nor did it pretend to be, a perfect one; but it was composed of wisely calculated expedients, so as neither utterly to exasperate the upper classes, nor to discourage the lower, or to repress them as they grew up to political knowledge and the dangerous consciousness of their own strength. Hence, while Lycurgus or the genius of Dorian institutions sufficed to construct a massive and elaborate machine, which time was perpetually impairing and which became cumbrous and inapplicable so soon as the orbit of its evolutions was expanded, to Solon belongs the higher praise of legislating for the perpetuity of a state; and, if not of creating a people, yet of enabling it under more favourable circumstances to renew and to modify its own institutions.

"His legislation therefore," Mr. Bulwer says, "was no vague collection of inapplicable principles. It was moulded to the habits, the manners, and the condition of the people whom it was intended to enlighten, to harmonize, and to guide. He was no gloomy ascetic, such as a false philosophy produces, affecting the barren sublimity of an indolent seclusion; open of access to all, free and frank of demeanour, he found wisdom as much in the market-place as the cell. He aped no coxcombical contempt of pleasure, no fanatical disdain of wealth; hospitable, and even sumptuous in his habits of life, he seemed desirous of proving, that truly to be wise is honestly to enjoy.

• • • • • What Socrates was to the philosophy of reflection, Solon was to the philosophy of action."

In the history of the republican states of antiquity one seemingly insurmountable evil uniformly presents itself, at



Rome and in Etruria no less than in Athens, viz., the pressure of debt, and as its consequences, the loss or the suspension of personal liberty in the lower classes of citizens, and selfishness and pride in the wealthier. This, as much as collision of races or principles, was the root from which sprung those bitter feuds between the commonalty and the nobles that filled Greece and Asia with exiles, and slowly consumed the vital consistency of Rome. Among a commercial population, like that of Corinth, this inconvenience was somewhat diminished by the employment furnished in the arsenals and workshops to the needy craftsman or labourer; but at Sparta and Athens, in the Italian and Sicilian cities, no legislator seems to have discovered a remedy that bore any proportion to the evil. It was this which Lycurgus attempted to extirpate, by excluding money and trade from the ruling class; which Draco tried to crush, and Solon to remove, by taking away its causes. But the universal practice in antiquity of employing slave-labour in preference to that of poor freemen was the true seat of the disease. In the following passage the effects of such a system are clearly and comprehensively pointed out.

"But though the slave might not avenge himself on the master, the system of slavery avenged itself on the state. The advantages to the intellect of the free citizens resulting from the existence of a class maintained to relieve them from the drudgeries of life, were dearly purchased by the constant insecurity of their political repose. The capital of the rich could never be directed to the most productive of all channels; the labour of free competition. The noble did not employ citizens, he purchased slaves. Thus the commonwealth derived the least possible advantage from his wealth; it did not flow through the heart of the republic, employing the idle, and feeding the poor. As a necessary consequence, the inequalities of fortune were sternly visible and deeply felt. The rich man had no connection with the poor man; the poor man hated him for a wealth of which he did not (as in states where slavery does not exist) share the blessings—purchasing by labour the advantages of fortune. Hence the distinctions of classes defied the harmonizing effects of popular legislation. The rich were exposed to unjust and constant exactions; and society was ever liable to be disorganized by attacks upon property. There was an eternal struggle between the jealousies of the populace and the fears of the wealthy; and many of the disorders which modern historians inconsiderately ascribe to the institutions of freedom were in reality the growth of the existence of slavery."

Not to present our readers, however, with a picture of but



one side of Athenian life, we subjoin the opposite results of a system that, while it obstructed the natural circulation of wealth in the community, secured for the people at large a leisure, and provided for its intellectual cultivation with a success, never afterwards attained by any other institutions.

"We cannot but allow the main theory of [Solon's] system to have been precisely that most favourable to the prodigal exuberance of energy, of intellect, and of genius. Summoned to consultation upon all matters, from the greatest to the least, the most venerable to the most trite—to-day deciding on the number of their war-ships, to-morrow on that of a tragic chorus; now examining with jealous forethought the new barriers to oligarchical ambition; now appointing, with nice distinction, to various service, the various combinations of music; now welcoming in their forum—the sober ambassadors of Lacedæmon, or the jewelled heralds of Persia; now voting their sanction to new temples or the reverent reforms of worship; compelled to a lively and unceasing interest in all that arouses the mind, or elevates the passions, or refines the taste; supreme arbiters of the art of the sculptor, as the science of the lawgiver,—judges and rewarders of the limner and the poet, as of the successful negociator or the prosperous soldier; we see at once the all-accomplished, all-versatile genius of the nation, and we behold in the same glance the effect and the cause: everything being referred to the people, the people learned of everything to judge. Their genius was artificially forced, and in each of its capacities. They had no need of formal education. Their whole life was one school. The very faults of their assembly, in its proneness to be seduced by extraordinary eloquence, aroused the emulation of the orator, and kept constantly awake the imagination of the audience. An Athenian was, by the necessity of birth, what Milton dreamt that man could only become by the labours of completest education: in peace a legislator, in war a soldier,—in all times, on all occasions, acute to judge, and resolute to act."—Vol. i. p. 350.

Historians have in general contented themselves with merely defining the words *tyranny* and *tyrants*, in their ancient sense, as conveying a different import from their modern associations, but they have not been sufficiently careful to mark the difference in their narrative. Neither have they always noted the important distinction between the tyrants who preceded the Persian wars, and those who came after them—between Periander, Polycrates, and the Pisistradids, and Dionysius of Syracuse. The modern words almost inevitably present an image of an Ezzelino, or a Sforza; but it would be scarcely just to many of the Greeks to whom that title was given, to compare them even with Cosmo or Lorenzo de' Medici. The distinction has not escaped Mr. Bulwer, who

remarks that, "the merits of this race of rulers, and the unconscious benefits they produced, have not been justly appreciated, either by ancient or modern historians."—"Without her tyrants," he adds, "Greece might never have established her democracies." In the government of Pisistratus and his sons, and in that of the Samian Polycrates, we have a complete picture of a period in Greek history, which earlier or later presents itself in the annals of every Hellenic state, with the exception of Sparta. Referring to Mr. Bulwer for a particular account of the Pisistratids, we shall merely remark that the right point of view for this and similar æras is to consider them in their twofold relation to Greece before and after the Persian wars. In the first period the Demus sought, or gladly accepted a representative of itself, to resist the encroachments of the aristocracy; or the party of the nobles interposed between itself, and the increasing claims or turbulence of the people an arbiter, as a temporary dictator to carry on a provisional government. But in the second period, when the people, and more especially the Athenian, was awakened by the events of the war to a full consciousness of its strength, and to an increasing perception of its intelligence and fitness for business, it no longer endured to be represented by any power or body corporate or individual not commensurate with the entire assembly of freeborn citizens. "Thus\* Aristotle relates of the Basilids at Erythrae, that, though they exercised their power well, they could not retain it, because the people would no longer endure that it should be lodged in so few hands." The age of the Pisistratids was therefore one of transition in its political aspect; in which, under the superintendence of an active executive, though often disturbed and suspended, the popular elements of a later time—the will and the knowledge of the Demus—were gaining greater scope and consistency than could have been obtained by them amidst the perpetual fluctuations of the old party-divisions of Attica. In its social and intellectual circumstances it was a period of growth and progress, a foreshadowing of the administration of Pericles, when the power of the popular party poised, but did not press down, the opposite scale. As an image of a

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\* Thirlwall, *Hist. Greece*, vol. I. p. 397.



Greek *tyrannis*, under, probably, its most perfect form, and as thereby representing the general nature at least of the government of the Orthagorids, the Cypselids and Polycrates, the history of the Pisistratids is a *generic* one. It illustrates also the besetting difficulty of the popular institutions of antiquity; that, namely, of placing the executive in hands strong enough to wield it effectually, yet responsible for its exercise to the legislative body; and Mr. Bulwer is perhaps correct in his conjecture that "the usurpation of Pisistratus was necessary to establish the institutions of Solon."

We are not enabled to form so distinct a notion of the innovations of Cleisthenes—history having recorded the results rather than the causes of the reforms introduced by him. In some of its features it was a carrying out to wider application the principles of Solon, and, like our own revolution of 1688, declaratory of what his legislation contemplated, more than a fresh disorganisation of the political system. Certainly it was not, as Herodotus conceived, a merely capricious or party change. Cleisthenes and the Alcmaeonids, in themselves, might be as little disposed to raise the commonalty in the scale of political existence, as the old Whig-party in England, if left to itself, to establish reform upon the broad basis of a general principle. But, like the Whigs, the Alcmaeonids were propelled by a stronger spirit than their own, (and which, having long used as an implement, they discovered finally to be a law, and themselves merely its exponents,) into the front rank of organic and progressive renovation of the vital functions of the state. Not until then did the Athenian people call forth the expressive eulogy of Herodotus. "The Athenians\* then grew mighty. And it is plain, not in one matter only, but in every way, that liberty is a brave thing; seeing that the Athenians, so long as they were lorded over, were no whit better men at feats of arms than any of their neighbours, but as soon as they were rid of their lords, they got far ahead. This therefore shows that, while they

\* Herod. V.C. 78. We have availed ourselves of Mr. Thirlwall's version of this remarkable passage. It is not his least merit as an historian to preserve faithfully the character of the writers whose accounts he embodies or quotes in his own narrative. In his translations Herodotus loses little of his epic freshness, or Thucydides of his condensed energy. Mr. Bulwer very unnecessarily "adds a perfume" to Herodotus.



“ were kept under, they cared not to conquer, as men toiling  
“ for a master ; but, when they were set free, none grudged his  
“ labour for his own good.”

About ten years after the revolution of Cleisthenes the Athenians and Eretrians took part in the revolt of Aristagoras, and lighted up in the burning of Sardis the conflagration of the Persian war. Within another decennium Marathon was to ancient Europe, in its collision with the Asiatic nations, what Chalons, Tours and Lepanto were to modern, and the implacable vengeance of Darius Hystaspes was awakened. We shall not follow Mr. Bulwer through all the events of a period so familiarly known to every reader, that it is not easy to recollect a time when they were quite unknown. We shall rather confine our remaining observations to such parts of his narrative as relate more immediately to the remarkable people which at that time composed the ruling caste of middle and western Asia, between the Indus and the Mediterranean ; and, by a brief glance of what they overcame and repelled, measure the worth of the Greek victories over the Barbarian, endeavouring to keep at equal distance merely scholastic enthusiasm, and (so called) philosophical indifference to the great cause of civilisation.

The Persians have not improbably suffered some injustice as a nation at the hands of historians. The guilt of invasion, not however wholly unprovoked, lies upon them ; they were unsuccessful, they belonged to a different stage and order of social cultivation from that whose principles were first developed among the Greeks, they were therefore opposed to the whole circle of European ideas, feelings and institutions, and, in the entire loss of their native historians, they have been denied the privilege of explaining their own. It has thus been generally reserved for inquiries into the history of the human race to assign them, as a people, the character which the particular historians of Greece have viewed only in its outward and hostile relations to the Hellenic race ; not bearing sufficiently in mind that the true moral and significance of the struggle at Salamis and Plataea are to be sought less in the actual result of the conflict, than in its negative and positive consequences upon the civilisation of Europe as derived from its eastern corner, the mainland and the islands of Hellas.

From what forms of government, from what habits of intellect and feeling, and social customs, did the Greeks escape by rolling back the tide of invasion that at one time threatened to sweep over them? What were the Asiatic Greeks fast becoming when their European brethren lifted up or snapped the yoke to which their colonies had submitted? And what was the effect, in a later age, of blending, as by an eclectic process of civilisation, the European with the Asiatic character in the kingdoms that arose out of Alexander's conquests? These questions will be best answered by a brief survey of the Nomad empires of Asia, as represented in the monarchy founded by Cyrus, with whom the Pasargadae became the dominant race, and the Achaemenids the ruling family.

There is a verbal equivocation in the term 'barbarian,' in its modern sense, that did not exist in the Greek word. What they distinguished as merely *not* Greek, sounds in our ears as something betokening a savage or uncivilised state of society. Nothing, however, can be less applicable than such a designation, so interpreted, to the Persians, and their kindred the Medes; nor can it be rightly used for the Chaldeans, the Babylonians, or the Bactrians, whose earlier civilisation they adopted and improved. Whatever advantages a Nomad people is capable of after its migrations give place to conquest and occupation,—agriculture, commerce, and an active intercourse with outlying nations, and among the numerous departments of the empire,—were successively enjoyed by the conquering tribes that at different eras descended from the mountainous district between the Caspian and the Oxus. To these were added an abundant supply of the precious metals, elaborate manufactures, and the arts which luxurious manners, splendid and populous cities, with a numerous and privileged hierarchy, demand and encourage. All the accompaniments of merely material greatness were theirs; what they wanted—political experience and knowledge, and, its direct consequence, individual character, have never been found in Asiatic nations, unless where peculiar circumstances of situation or lineage, as in some districts of Rajastan, have created a partial or an apparent exception. In a word, Asiatic governments west of the Indus have always been copies of the patriarchal household and the Nomad camp.



Statesmen, in its European sense of the term, they have had none; their political system, after it was once laid down by some religious law-giver, requiring for its vast and uniform evolutions merely the directing hands of the monarch, and of the representatives of the monarch, the satraps and provincial governors. Hence, in the end, the intelligence and versatility of Europeans have always proved superior to the craft and solemnity of Asiatics; as in the field numerical masses have given way to tactics and personal energy, and Sobieski but repeated the experiment of Miltiades.

Had Athens and Sparta yielded the required pledges of submission to the Persian heralds, and Greece, without the memory of a common cause, and of the victories at Marathon, Thermopylae and Plataea, become the first European Satrapy according to the brilliant, and, to his experience, the not improbable scheme of Xerxes, it is not necessary to conclude that the ardent and intellectual genius of the Hellenic race would have been utterly quenched or dissipated. The Pasargadae, who bore the same relation to the Persian nation as the Doric and Ionian families to the Greeks, were tolerant in religion—for Egypt owed its unfortunate exemption to the political character of its priest-caste—and sublime in their conceptions of the nature and objects of worship, they cultivated poetry and music, and honoured their professors: the ruins of Persepolis or Chehl-Menar, that fill the modern traveller with admiration, and the Arab, who ascribes them to the work of Genii, with awe, attest their proficiency in architecture and the arts of design; the maxims of their provincial administration when not perverted by the individual cupidity of officials were mild and sagacious, and in the conveniences and the luxuries of polished life they were the models and the corrupters of eastern Europe. Although themselves not a naval people, and even averse to maritime affairs, their Ionian and Phœnician provinces rendered them masters of the most perfect marine of antiquity; and, until the last age of the empire, their cavalry was more than a match for any force of that description which the Greeks could bring into the field, even when their Hoplites were flanked by the well-known Thessalian horse.

Yet, under Persian supremacy, although the plastic arts



might have attained a high degree of excellence, we cannot conceive a Pheidias to have produced his Zeus or Athene; architecture would have been rather the skilful disposition of quantity in harmonious masses, such as the colossal arcades and terraces of Chehl-Menar, than the fine and almost spiritual symmetry of the Propylæa and Parthenon, or the expressive varieties of the Grecian orders; and if it were a rule with the royal academicians of Persia to avoid in their designs every expression of look or attitude that would transgress by its energy the quietude of eastern etiquette, such a school of art could never have inspired a Zeuxis or Polygnotus with the purity of the ideal, or warmed Lysippus into the historical portraiture of the individual. Sculpture can never exist where man is a slave, and the deity is worshiped under symbolical representations of his physical attributes. Even the arts of casting metals and of moulding in clay would have made little progress among a people whose mythology was disbelieved by the ruling class, and where the free expression of a national faith was viewed suspiciously by a zealous if not a persecuting priesthood.

But if such would have probably been the effects of Asiatic supremacy in Greece upon arts that are occupied with matter, although the forms it is destined to assume are from the creative mind of the artist, much more apparent would the influence of an unnational government have been in those arts where language is the material, and to which reason and passion, in their highest energy, supply the forms. Cyrus could not conceive the nature of the Greek *agora*; the lofty thoughts, the earnest debate, the zealous collision of parties for municipal rights seemed to him but false swearing and deception. There is little scope for eloquence where an aristocracy and a hierarchy are the nation; without a people there could have been no Demosthenes. In poetry the Epic age would have been severed from the later developments of the art; for what interest could lays of the heroic times, and the first records of the triumphs of the Greeks in Asia have retained for a people that had in their citadel a Persian garrison, and the retinue of a satrap daily in their streets? Where there is no intellectual bond among the various races of one national family, there can be no ancestral people, no ideal and

spiritual existence in the past and future. Lastly, there would have been no historians; for history, in the East, is the register of whatever the king says or does, not the record of a state through all its stages of birth and decay. The laws proceed from the mouth of the sovereign; philosophy is contained in the books of the priesthood; and speculation, instead of leading to knowledge, is ever in danger of being proscribed as heresy. The intelligent activity of the Greeks would have been benumbed, or have preyed upon itself, or produced, at best, a melancholy and sensuous cultivation like that of the Etrurians. And they would probably have been indebted for the preservation of their name in other times to the same cause that has rescued from oblivion the once illustrious race of the Pasargadae; viz., to being mentioned in the annals of some alien or hostile people, which had successfully maintained its own independence, as members of a once mighty empire involved in its ruins, or distinguished only as among its most intelligent and serviceable subjects.

Sismondi has well observed, that had the Duke of Athens succeeded in establishing the despotism at Florence, of which he so artfully and unscrupulously laid the foundation, the liberty of Italy had been at an end. And not only so, but "as the rest of Europe was not yet ready to profit by the example and instruction of Italy, the slavery of Florence, the destruction of all liberty in the city which gave impulse to the spirit of inquiry, to philosophy, politics, eloquence, poetry and the fine arts would have stopped, perhaps for centuries, the civilization of the world." But if the mischief that would have resulted from the subjection of Florence in the fourteenth century was incalculable, much more would the submission of European Greece to the Persians have been fatal to all those qualities of the individual and social man, that render him something more than an animal of the first order. For not only would European civilization have been, in that case, suspended, but, under its present forms at least, might never have been called into being. From the East, as known to antiquity, no new lessons in the science of government and humanity could be derived: its great mutations, so far as they came from the Nomad races of central Asia, were acted; its unfulfilled destinies were to proceed from a retri-



butory act of the people which it had failed in subjugating. Looking to other quarters, Europe had little to hope from Egypt, Carthage or Etruria. The "*calculus Minervae*," the casting-vote, was therefore in the hands of Athens and of the few Dorian states that responded to her enthusiasm, whether the civilization of the western continent should be merely a copy of the animal and material cultivation of the East, or whether, by them, should be unfolded a new and illustrious page in the history of the Caucasian race. What the Greeks would become, as the tributaries of a great empire, though probably under as mild a form as despotism ever wore, was seen in their colonists upon the western shores of the lesser Asia. Wealthy, commercial, sensitive, and alive to the benefits of freedom, but without the steadiness to enforce and secure it, they did not, like their brethren upon the opposite coasts of the *Ægean*, send forth, as circumstances required, a succession of soldiers, statesmen, orators and philosophers, first to exalt their countrymen by material and outward greatness, and then to refine them with spiritual light and knowledge, and provide for them a splendid euthanasia, whenever there should come upon Hellas the inevitable day that awaits a people as certainly as individuals. What the Greeks did become, after the Macedonian conquests had opened Asia and Africa to settlers and exiles of every state from Thrace and Illyria to Crete, is seen in the annals of the Seleucids and the Ptolemies. The national integrity of the Hellenic people was dissipated and effaced by a cosmopolite spirit; and while he retained his ascendancy over the yet corrupter Asiatics, the Syrian or Egyptian Greek was rarely a worthy representative of his Achæan or Hellenic forefathers.

In furtherance of his design of "vindicating the Athenian people," Mr. Bulwer has, we think successfully, shown that the popular party has been unjustly accused by historians for the banishment of Aristides and Cimon, and for the sentence passed upon Miltiades. However the practice of *Ostracism* may betray a weak and unsettled state of government, the history of the modern republics of Italy will furnish not insufficient arguments of its being neither an unwise nor an ill-calculated usage, however liable to abuse. Had it been possible, by so lenient a form of proscription, to remove



for a time such citizens as Farinata, the Visconti, or Cosmo de' Medici, Italy would have been spared much blood and more treachery from exiles rendered desperate by more violent methods of expulsion, and, perhaps, the national character might have been less rapidly deteriorated. At a later and more corrupt period Ostracism fell into disuse; but we do not find either that the people became less suspicious, or that it discovered less exceptionable ways of expressing its jealousy or displeasure.

Themistocles is the first of that order of public men, whose responsible functions are comprehended in the term 'statesman,' that history presents to us. For Solon and Cleisthenes were the authors of a new system of polity, rather than the ministers of one already established. Miltiades was a soldier of fortune; but, like Pericles and Demosthenes, Themistocles was the representative of his age. Talents for military command, always recommendations to public favour in the statesmen of antiquity, in the age of Themistocles were indispensable. Yet even then it was beginning to be perceived that a statesman might be more usefully employed than in the field,—that division of labour was as convenient in politics as in the manual arts; and accordingly it appears, that although Themistocles was in command at Salamis, he was absent from Platæa; nor does he seem to have resumed a prominent military station at any later period of his public services. For at such a crisis in the life of a nation as the Persian war, or as the Parliamentary revolution in our own history, there is rather a scarcity of employment for the illustrious men whom the time produces, than of men "young in years, but in sage counsel old," to redeem official station from the commonplace ability of "men of business." And in no history is the rapid succession of those whom Mr. Bulwer terms "the representatives of the wants and exigencies of the Hour," more remarkable than in the Athenian. First Miltiades dissipated the terror with which the very sight of the Median garb inspired the Greeks. His experience of the real structure of an Asiatic army availed his countrymen, at the time, better than the most profound political wisdom or art,—qualities with which the conqueror of Marathon does not seem to have been eminently gifted, and which he supplied by a bold as-

tuteness not always in harmony with his subordination as a citizen. When all the functions of the state were suspended by the common calamity of invasion, Themistocles stood forth the emblem and conservator of Athenian nationality. When it again became possible for them to resume their former place and action, he was no less efficient in the work of reconstruction; but when the old balance of the state-parties was restored, the conditions of his ascendancy were superseded, and aristocratical leaders rose naturally for a while to the administration of affairs among a people to which every day brought some increase of power, or some new manifestation of its political destiny. The necessity or the expedience of aristocratical preponderance was past when Pericles stood singly at the helm of government: and after a long interval occupied by statesmen of secondary talents, Demosthenes again, in the common process of party and historical reaction, filled the place of Themistocles in sustaining and exalting the character of his fellow-citizens, by his uncompromising struggle with the Macedonian party, or rather with the later forms of the Protean principle of oligarchy.

"It is indeed," Mr. Bulwer remarks in one of the most memorable reflections in the *Rise and Fall*, "the nature and prerogative of free states, to concentrate the popular will into something of the unity of despotism, by producing, one after another, a series of representatives of the wants and exigencies of The Hour, each leading his generation, but only while he sympathizes with its will; and either baffling or succeeded by his rivals, not in proportion as he excels or he is outshone in genius, but as he gives, or ceases to give to the widest range of the legislative power, the most concentrated force of the executive; thus uniting the desires of the greatest number, under the administration of the narrowest possible control; the constitution popular,—the government absolute but responsible."—Vol. ii. p. 242.

We have dwelt so long upon perhaps the less brilliant, but to our views of Greek history not the less important chapters of the "*Rise and Fall of Athens*," that little room is left for the other branch of the subject,—the survey of Athenian literature, life and philosophy. Our notice, however, of the work before us, will be little less complete, even if we pass cursorily over the progress of the drama and the arts from Pisistratus to Pericles; since Mr. Bulwer is more successful as a political historian than as a critic. The first object of the lecturer or the philosophical antiquary, especially if his



subject be ethnic literature or manners, should be to place his audience or his readers in the right position for observing the structure, proportions, and elementary law of the works of the poet, the plastic artist, or the orator;—that the sympathies, the passions and the mental associations of antiquity may be made evident to their understandings at least, while in themselves they possess the advantage of being able to contemplate dispassionately and empirically objects that, at their first production, awakened the most intense feeling in the people to whom they were presented. This Mr. Bulwer has not done. He has followed the easier and more attractive path of criticism, made up of rapid glances and clever generalizations. Yet this is the first condition of philosophical æsthetics; and whenever the literary history of Athens shall be undertaken by a scholar fully competent to the task, the removal of all impediments to an undisturbed and untheoretical view of the subject will be his first, and probably his principal difficulty.

Mr. Bulwer accompanies his analysis of the works of Æschylus and Sophocles with translations, or paraphrastic versions of some passages of them remarkable for their poetical beauty, or their dramatic vigour and appropriateness. We are somewhat puzzled, however, to discover the principle which has guided him in these metrical experiments. If he merely intended to convey to such as “have no Greek” the sense and imagery of the originals, a prose translation would have answered his ends much better; and with a little attention to the pauses might have been rendered not only faithful but rhythmical. If, on the contrary, as we imagine, he aimed at the more difficult art of compensation, *i. e.* of representing in another language not the substance alone, but the exterior beauty and character of Attic poetry, he has fallen into a mistake not uncommon with translators, and to which Coleridge and Cary are the most striking exceptions. To substitute a loose and slovenly expression for one upon which its author expended long and anxious forethought, to insert or omit at pleasure an epithet, or a qualification of the principal image, to preserve no correspondence between the metrical character of the original and that of the version, to beat out the fine gold into tinsel, are the established privileges of translators in verse. Nor does Mr. Bulwer seem dis-



posed to forgo any of his rights. A capacity for the pure and concentrated diction of poetry, especially dramatic poetry, is rarely found to accompany the popular but dangerous gift of a rhetorical temperament. Formal or superficial analogies are sufficient, generally, for him who aspires to captivate the many by eloquence in speech or writing. But poetry is lost or stifled wherever the individual image is exchanged for its generic or conventional symbol. Mr. Bulwer's habits of composition have not been favourable to the art of translation; nor do we remember, in any author of high reputation at least, to have met with versions less consonant with our impressions of the originals than these somewhat ambitiously rendered specimens of the two great chiefs of the Athenian drama. What, for instance, can less resemble that clear and exact image of the sea beheld from a remote and dizzy height,—the “ποντίων κυμάτων ἀνήριθμον γέλασμα, the sea waves' unnumbered smile,”—than the vague and uncharacteristic paraphrase of

“ \* \* \* \* waves

That dimple o'er old ocean like his smiles? ”

the corresponding expression in Dante, borrowed by Trissino and Fortinguerra,—“il tremolar della marina,”—should have guided Mr. Bulwer to the true meaning. What authority is there for rendering, in the same passage from “Prometheus Bound,”

“ τὸ τῆς ἀνάγκης ἔσθ' ἀδίκητος σθίνος,

The might of destiny not to be o'ercome,”

by

“ The dark course of the grim Necessity? ”

At the close of Cassandra's part, which Potter had forestalled Mr. Bulwer in distinguishing as the “master-piece” of the tragedy of Agamemnon, “a sentence which has puzzled the commentators, and met with many and contradictory interpretations,” is thus, for the first time, rescued from its ancient obscurity by a peculiarly *modern* version :

“ Alas ! for mortals ! what their power and pride ?  
A little shadow sweeps it (?) from the earth !  
And if they suffer—why, the Fatal Hour  
Comes o'er the record like a moisten'd sponge,  
And blots it out ; methinks this latter lot  
Affects me deepest.—Well ! 't is pitiful ! ”

"Let those that play your" translators translate "no more than is set down for them." The ancients might well esteem Cassandra "no prophet," if she vaticinated in common so diffusely. What Æschylus makes her say is simply this:

"Such is the state of man, when prosperous,  
A shadow will o'erturn it; but when adverse,  
The strokes of a moist sponge efface the impress  
[Of all that went before]; yet do I pity  
The latter rather than the former state."

In his version of that noble description of the beacons announcing, in one night, to the watcher on the roof of the Atreid palace at Argos, that "Troy was fallen," which Æschylus puts into the mouth of Clytemnestra, Mr. Bulwer departs from "the orthodox custom of translators to render the dialogue of the Greek plays in blank verse," as too stiff for the "animation and rapidity of the original," and adopts, instead, an irregular lyric measure, if a crowd of rhymed verses may be so termed. We conceive, however, that the poet preferred the Iambic metre to a more rapid measure, or to mixed forms of verse, as his design was to represent the prompt and unbroken course of the fire-signals from Ida to Argos, and not to imitate the brisk irregularity of fireworks. And if English blank verse were really inadequate to the original, which we doubt with certain passages of Shakspeare, Massinger and Fletcher before us, Chapman and Drayton would have supplied a flowing and rhythmical measure that would have preserved the rapidity of the original without dismembering it.

It is scarcely a fair estimate of the improvements of Thespis to say "that he did much to create a stage, little to create *tragedy*, in the proper acceptation of the word." The introduction of a *speaker*, among singers, of regularly composed speeches in the place of *improvisation*, the invention of histrionic disguise, however rude, and, more than all, the opening out a new path of intellectual exertion to the Athenians, the Dorians having pre-occupied the Lyric Drama, and the Ionians the Epos, make out his title to be esteemed the 'Inventor of Tragedy.' He discovered the art which combined the narrative of the epic poet with the passion and subjectivity of the Lyric. With Mr. Bulwer's commendations of Phrynichus we fully accord, so far as they do not detract from the



prior claims of Thespis. We could have wished he had noticed the strange opinions which the Bishop of London has advanced in his preface to the "Persians," relative to this precursor of Æschylus. The third organic step in the development of the Attic drama was the introduction of a second actor by the son of Euphorion, and, as its natural consequence, the gradual subsidence and subordination of the chorus. Before this innovation, the most remarkable usage of the Attic stage, the exhibition of three separate dramas in succession, connected, however, by a common groundwork of story, could not be adopted. Æschylus was therefore the father of the Trilogy.

"Attempts have been made," Mr. Bulwer observes, "to convey to modern readers a more familiar notion of Æschylus, by comparisons with modern poets. One critic likens him to Dante, another to Milton—but he resembles neither." Parallels of this nature between the works of poets, remote in age and in country from each other, are seldom happy or just,—the genius of the language that each employs, and the altered circumstances under which they compose, necessarily imposing an essential difference of form upon their productions. If an affinity really exists between "the Father of Greek Tragedy" and the "Father of Modern Poetry," it will be found in the groundwork of their characters and education, not in a comparison of the *Oresteia* or the *Prometheus* with the "Divina Commedia."

While assigning to Æschylus, beyond every other Greek poet, the character of sublime, Mr. Bulwer has not laid sufficient emphasis upon his artistic genius. The earlier and greater Greek dramatic poets, it is well known, did not entrust to others the embodying and representation of their own intellectual creations. Æschylus was mechanist, ballet-master, composer of the music, and instructor of the chorus, and, lastly, actor of his own plays. Subordinate as many of these offices may now appear, on the ancient stage, and at that early period, they were the proper functions of the principal artist; and they still, in part, remain so, where a great actor is thoroughly penetrated with reverence for his author, and with love for his art. The long processions, the numerous chorus, the symmetrical grouping,—which might be called



the *mannerism* of Æschylus, so constantly did he employ it,—and the vast scenery that was required for such representations as those of Prometheus on his rock, with the sea-nymphs at his feet, and the shore beneath them, or the suffering Titan engulfed in the ruins of Caucasus, the mythic dress and decorations of the actors, and the superhuman harmony of dramas in which gods and heroes, the legends of extinct races, and the fulfilled destinies of devoted families were exhibited,—were material adjuncts to the creations of the poet, that could be properly applied by his hand alone to whom the archetype of the whole was present.

Neither does his analysis of the dramas of Æschylus and Sophocles convey a clear idea of any single dramatic performance, so far as what is meant primarily for the eye and ear can be imparted by language to the understanding. Even the merely English reader will derive, from an attentive perusal of any tolerable translation, as just and lively an impression of the Attic stage and representation, as from Mr. Bulwer's descriptions and comments. At the close of his analysis of the "Seven against Thebes,"—which, it might have been remarked, was probably the middle piece of a 'Trilogy,—he says merely . . . "Eteocles and his brother both "perish in the unnatural conflict, and the tragedy ends with "the decree of the senators to bury Eteocles with due honours, and the bold resolution of Antigone (the sister of the "dead) to defy the ordinance which forbids a burial to Polynices." This gives as complete a description of the real close, and tends to convey as accurate notions of the Attic theatre, as if an historian of English dramatic literature should tell his readers that Othello concludes with the discovery of Desdemona's innocence, and the death of her unfortunate husband. We have remarked that a leading peculiarity in the compositions of Æschylus is the symmetrical structure of his scenes, and that sometimes they were, probably, even too artificial. In the "Seven against Thebes," this systematic production of effect was turned however to good account. After the messenger has announced to the chorus that

" \* \* \* \* the brother kings

Are fallen, slaughter'd by each other's hand,"

and after the chorus, in its proper office of "the idealised

"spectator reverberating to the actual spectator a musical and "lyrical expression of his own emotions," has expressed its doubts whether exultation or mourning is the befitting mode for receiving this consummation of the destinies of Laius, two mourning trains, headed respectively by Antigone and Ismene, come down the stage, followed by the bodies of Eteocles and Polynices borne either upon biers or upon the shields of their followers. From opposite sides of the stage, the chorus being now divided into semichoruses and forming probably, with the mourning trains, two hemispherical groups, Antigone and Ismene respond to each other in brief parallel verses, like the Hebrew antiphonies, accompanied doubtless with music and gestures symmetrically resonant and antithetic. And when the mandate of the rulers of the Theban state is brought by the herald,—that funeral honours be given to Eteocles, but that Polynices be cast out unburied "a prey to dogs,"—a similar antiphonary song from each semichorus concludes the drama; the group headed by Ismene declaring its obedience to the decree of the state, while that headed by Antigone avows its resolution to pay the last offices to the interdicted Polynices.

Mr. Bulwer has enumerated the improvements in the art and mechanism of representation for which the Attic stage was indebted to Æschylus,—the second actor, the heightened cothornus, the mask, no longer a grotesque disguise but ideal, statuesque and expressive of beauty, passion, or dignity, and perhaps in his later plays copied from the great works of the sculptor and the painter, then everywhere presented to his eyes; the scenery painted by Agatharcus, the long-flowing and august costume of the characters, and the architectural embellishments of the stage itself. But he has omitted to notice an important distinction in the claims of Æschylus to be accounted the "Father of Athenian tragedy;" viz., that he perfected the inventions of Thespis and Phrynichus, while such as originated with himself were consummated by Sophocles, and that the later dramas of the elder poet bear evident marks of the influence of the younger. Neither does Mr. Bulwer's analysis touch upon another very interesting question in the history of the Æschylean drama,—the progressive developement of his conceptions and power as an artist as it



may be traced in his remaining plays, and in the consideration of the principal fragments of such as are lost to us. In the seven plays of *Æschylus*, three eras of his genius and his architectonic skill may not improbably be discerned. The "*Persians*" and the "*Suppliants*" belong to the first. Tragedy had then scarcely departed from the lyric drama,—the chorus was still predominant, and the dialogue in its rudiments,—either direct narration, or question and response, or reciprocating speeches upon the same subject:—character and passion were the fruits of a more mature period. In the "*Seven against Thebes*," we have the forerunner of a new epoch,—a stricter dramatic cohesion, a more elaborate diction in the choral songs, a deeper insight into stage effect, and a dramatic character in *Eteocles*. The remaining *Prometheus*,—the middle piece of a Trilogy, of which the "*Fire-bearer*" and the "*Unbound*" are probably the opening and the close,—indicates a considerable advance in the arts of stage mechanism, and, if we may infer from the higher beauties of the lyric measures, of music also. Dramatic character is likewise more strongly marked in *Prometheus* and *Oceanus*, as well as more evenly sustained; although the mythical nature of the parts renders the improved skill of the artist less perceptible to a modern reader. It is a work of the second class. The *Oresteia*,—the sole surviving Trilogy which has come down to us (for the two "*Cædipus*" and "*Antigone*" of *Sophocles* do not form one.)—is the consummation of *Æschylean* art. It is the boundary between the age of imagination and the age of intellect, which it was reserved for *Sophocles* to represent, and for *Euripides* to misapprehend.

"The age of *Pericles*" is eminently, as *Mr. Bulwer* terms it, "the Age of Art. It was not *Sophocles* alone that was an "artist in that time; he was but one of the many who, in every "department, sought, in study and in science, the secrets of "the Wise or the Beautiful. *Pericles* and *Phidias* were, in "their several paths of fame, what *Sophocles* was in his." The perpetual felicity attributed to *Sophocles*, his youth remarkable for beauty and for the successful cultivation of those exercises that give strength, pliancy and grace to the form, and nourished amidst the most inspiring scenes of national greatness and glory, the intellectual triumphs of his manhood, and



his pure and majestic character as an artist, combine to invest him with something of an ideal universality, that neither genius without fortune, nor both if unaccompanied by a catholic harmony of mind and body, can produce. Like our own Milton, he stands at the close of an age,—the limitary column of a generation of statesmen, soldiers and artists, that throws into shade the insane glories of the Cæsars, the unauthorized power of the Medici, and the theatrical pageantry of the French monarchy. Like Milton, too, he survived the age to which he belonged. Other forms of excellence were reserved for the Athenian Intellect, but the symmetrical beauty of the age of Pericles completed its circle with Sophocles, its last survivor.

In his private character, however, Sophocles comes in for rather hard usage at Mr. Bulwer's hands. "In private life," he tells us, "Sophocles was a profligate, and in public life a shuffler and a trimmer, if not absolutely a renegade." Even the serenity of his temper was, it seems, but a cloak for cowardice. And this imputation serves also for a great modern poet who resembled Sophocles in certain peculiarities of temper and genius. But the whole impeachment rests upon the authority of certain historians in Athenæus. Where certainty cannot be had, we are inclined to prefer even the "declamatory rhapsodies of Schlegel," which suppose a not improbable harmony between the man and the artist, to an equally apocryphal account picked out of the "scandalous chronicle" of antiquity. But the accusing spirit of mediocrity finds its consolation and support in discovering and recording that illustrious men are somewhere calumniated. And Mr. Bulwer judges less wisely than Plutarch, who forbears relating certain things which he cannot fully affirm, out of reverence to the sanctity of human nature.

"A great error," it is correctly and excellently remarked, "has been committed by those who class Æschylus and Sophocles together as belonging to the same era, and refer both to the age of Pericles, because each was living while Pericles was in power. We may as well class Dr. Johnson and Lord Byron in the same age, because both lived in the reign of George III. The Athenian rivals were formed under the influences of very different generations; and, if Æschylus lived through a considerable portion of the career of the younger Sophocles, the accident of longevity by no means warrants us to consider them the children of the same age,—

the creatures of the same influences. *Æschylus* belonged to the race and the period from which emerged *Themistocles* and *Aristides*,—*Sophocles* to those which produced *Phidias* and *Pericles*. *Sophocles*, indeed, in the calmness of his disposition, and the symmetry and stateliness of his genius, might almost be termed the *Pericles* of Poetry. And as the statesman was called the *Olympian*, not from the headlong vehemence, but the serene majesty of his strength, so, of *Sophocles* also may it be said, that his power is visible in his repose, and his thunders roll from the depth of a clear sky."—Vol. ii. p. 521.

Mr. Bulwer's analysis of the Plays of *Sophocles*, like that which he applied to *Æschylus*, is a recension of the plots and situations, rather than an æsthetical examination of the tragedies considered as master-works of art. The latter method we were led by his preface to expect would have been the one preferred in a work professing to give a more ample and comprehensive view of the treasures of Greek literature than has yet been afforded to the English public. As it is, however, the author of the "*Rise and Fall*" has not contributed much to the instruction of the "general reader,"—the class for which these volumes are especially designed,—since from *Campbell's* lectures, and the English translation of *A. W. Schlegel*,—a not very uncommon book,—nearly all that Mr. Bulwer has told us may be learnt. In his account of *Sophocles* there is the same want of familiarity with his subject, the same propensity to be rhetorical where clearness and simplicity are alone required, and the same feebleness of grasp in criticism, that are the besetting faults of these volumes. That the author sometimes makes amends by passages of considerable acuteness and well-placed eloquence, increases our regret, that a work—the labour of years—either from being interrupted by more seductive employments, or from the want of sound philological learning (which in such a subject no other qualifications can supply), should not have been a more valuable accession to the history of literature and art. Its chief value will be, not as an accurate guide to the literary history of Athens, nor, although the author has succeeded better in this branch of his subject, as a philosophical commentary upon Athenian politics and manners; but, after the popularity which a name so often before the public has conferred upon it shall have passed away, in its awakening the desire for a more intimate acquaintance with a people not



more remarkable for its triumphs in the field, or its intellectual and artistic pre-eminence, than deserving of respect for its naturally generous and honourable feelings, which neither the ineradicable vices of its institutions, nor its extraordinary temptations as a ruling state, suppressed or extinguished while it was yet possible to contend against the degeneracy of its neighbours and the military resources and ambition of Macedon.

It was our intention to enter somewhat more minutely into the paragraphs devoted to the Sophoclean drama; but having already overstepped our limits, we can only remark upon what strike us as two principal deficiencies in the concluding chapter of the "Rise and Fall." In the comparison of Sophocles with Æschylus, the only two dramas that have come down to us, really parallels, should have been placed in juxtaposition, thereby affording an unquestionable measure of the progress of the art, as well as of the genius of the respective artists. And if, as a learned and ingenious modern critic conjectures, the "Electra" of Sophocles be really a *risfacciamento* of the "Choephoraë" of Æschylus, such as the Athenians permitted to younger competitors for the prize, the contrast would have been equally curious and instructive. The change in the social relations of Athenian women, to be traced in every play of Sophocles, the Philoctetes excepted, which Schlosser attributes to the influence of Aspasia, and of other highly cultivated women upon the higher circles of Athens, is not sufficiently adverted to. Neither is the altered tone of religious and civic feeling, as expressed by the chorus, pointed out. We have, however, at the close of this chapter, some excellent remarks upon the superiority of Sophocles for representation, and upon his having called into existence the genius of the individual actor which the symmetrical grouping and the complicate evolutions of the Æschylean drama rarely employed. This is one of those redeeming passages which, in the perusal of the "Rise and Fall of Athens," have encouraged us to hope that the two remaining volumes may be more in keeping than those before us with the promises and professions of the preface, and worthier of a veteran author and of "the labour of years."



## ARTICLE III.

*The City of the Sultan: and Domestic Manners of the Turks* in 1836. By MISS PARDOE, author of "Traits and Traditions of Portugal." 3 vols. Second edition. H. Colburn, 1838.

ALTHOUGH Europe entertains but few correct opinions regarding the social and political condition of Turkey, yet, when we recall the universal ignorance that prevailed on every subject affecting that country and our interests in it, about ten years ago, we cannot deny that considerable progress has been made towards removing many prejudices which were then in vogue. The assertion that the Mussulmans are a race of barbarians encamped in Europe has at length been called in question. The claim to a place for them among the civilized nations of the world is no longer considered as the raving of the enthusiast; and the Sultan may now be termed our "ancient ally," without producing any of those convulsive tirades of patriotic ire which, a few years ago, made the walls of St. Stephen's resound at the imputation of such a contaminating connection. The anathema which Christendom proclaimed against the followers of the prophet, and which united our armies and navies in another crusade against the crescent, has already been regarded by our people as a disastrous stroke of policy, and the most prominent result of that league has been universally acknowledged and denominated as an "un-toward event." Apathy is now succeeded by curiosity; the number of books on the East which issue from the press of every country in Europe attests with what avidity information is demanded.

Many statesmen, who saw in the Ottoman empire of the nineteenth century merely the tottering ruins of a once glorious edifice, and who (perhaps to prove themselves true prophets) had set their agents at work to hasten its fall, and dispose of its crumbling pieces in ways the most advantageous to other interests, have paused in their work of destruction, on discovering that the old structure, in spite of the ravages of art and of ignorance, still manifested a firmness at the core

that resisted all the efforts of its assailers. "The vast body "has been laid bare, and shows a vitality in every articulation\*." At the congress of Vienna, which promised to preserve for ever the balance of European power, Turkey was unrepresented and unnoticed, and considered as in no ways bearing on the object in view. She was placed beyond the pale of our sympathy and protection. To-day every one feels that this very balance of power is indissolubly linked with her independence, and would be subverted in her fall.

A few years ago it was no rare event to find reviewed in the same article two or more works on Turkey which advocated the most opposite views, so that to prove one true was to prove the others false; yet the writer generally agreed with all, so utterly unfixed was public opinion. A gentleman who exposed in a most masterly style the designs of Russia in a well-known work, recommended that England should support Mehemet Ali against the Sultan, and under his auspices raise up a state on the ruins of Mahmoud's power against the encroachments of Russia,—a course of proceeding so obviously the very best for facilitating the strides of that Muscovite ambition which he so ably denounced, that any one, in the smallest degree acquainted with the spirit of Eastern populations, and with the relative positions of Mahmoud and Mehemet Ali towards Russia, would at once proclaim it as fatal to the interests of Europe. About the same time, when the Russians were marching on Adrianople, one of our most liberal senators, (and whose speeches on Turkey, by the way, are translated into Turkish, and zealously circulated among the subjects of the Porte by the agents of the Czar,) to prove the enthusiasm with which Russian aggression is hailed in the high senate of England, in his place in Parliament, thanked God that we had no interests in common with such barbarians as the Turks; and in his philanthropic regards for the happiness of mankind, exulted in the prospect that the fairest portions of our globe were about to be freed from the withering despotism of the Caliphs, and to be ushered into their place among the nations under the enlightened policy of Russia! Such a declaration on the part of his Lordship in

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\* *Turkey and its Resources.*



1838 would, we venture to assert, very considerably endanger his character for wisdom and patriotism.

The misfortunes of Turkey and the impolicy of England are solely owing to our ignorance of the social and political condition of the Turks. All our relations with this people are but a series of mistakes,—the battle of Navarino, the treaties of Adrianople and of Unkiar Skelessi, the almost irresistible preponderance of Russia in the councils of the Divan, are direct and necessary results of the wavering, undecided character of our Eastern diplomacy. When a word could save Turkey and Europe, we are afraid of uttering that word, because we are ignorant of its effect. Meanwhile Russia proceeds in her gigantic schemes of aggression and demoralization, unchecked by the petty remonstrances of our cabinets, uncontrolled by treaties, and turning to her own account all the combinations which the ignorance of other states has formed to resist her ambition.

When we reflect on the exaggerated and absurd accounts which foreigners have published of the manners, feelings and institutions of English society, although in full possession of all the opportunities of drawing correct conclusions, which a community of language, access to our houses and our friendship, similar habits and ideas, and the use of the daily records of public feeling and events put at their command, we can not be surprised that travellers should more completely fail when they come to describe a state of society in every respect the very reverse of that in which they have been reared, and which furnishes them with none of those advantages that we have enumerated. In nearly every instance the traveller that has ventured to describe this most interesting and misjudged people has been wholly unqualified for the task he had undertaken. Armed in European prejudices, unable to judge of the laws or habits of the country by any criterion save the customs of their own, incapable of appreciating or entering into the spirit of Turkish institutions, even if they were aware of their existence, (which they rarely are,) seldom or never admitted to intercourse with the natives further than what the Khan or Caffè accidentally throws in their way, receiving their impression of the few with whom they happen to come in contact from their Italian or Greek Cicerone, (beings who



attend them like their shadow, their oracles on all questions of finance, government or domestic life,) they universally condemn every habit which does not come up to their own idea of propriety, and extol even the vices of the Mussulmans when they partake of the character of those of Europe. Profoundly ignorant of those concealed but all-pervading springs of action that regulate the laws, manners and even the very thoughts of the Turks, and whence flow in one natural and harmonious order the peculiar form of their government and those simple institutions which have been the bulwarks of the nation against misrule at home and perfidy abroad, the tourists in the Levant, in a style of flippancy and conceit which appertains to them as a class, instantly condemn everything that differs from the dogmas of their own land. They remind one of that self-sufficient and critical personage Fadladeen in *Lalla Rookh*, who believed that every soul was to be saved not only by the Koran, but by his particular copy of it. They carry with them a Procrustes' bed, on which Turkish opinions and habits are lengthened or shortened till they acquire that exact size and dimension which correspond to their ideas of fitness. "To require that a cherry should produce apples, "to reproach the plantain with the want of the formal and "stately branches of the poplar, would be quite as rational "as to condemn that which is quite different, or to us unintelligible\*."

Such being the frame of mind in which the majority of the authors of the "Summer Excursions," "Tartar Trips," "Residences of a month," "Souvenirs" and "Voyages," &c., in the East, have composed their books; such their position, and such a few of the difficulties which the best of them have had to contend with, our readers will admit that their claims to our confidence rest on very suspicious qualities, and that all their statements are to be received "*cum grano salis*." The men who have resided long enough in Turkey to know its language and its people, and who have made a still greater step, (without which language and inquiry are of little avail,)—who have thrown off the man of Europe, and have looked on Turkey with the eyes and feel-

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\* Augsburg Gazette, quoted in Ross's "Opinions on the Eastern Question."

ings of an Eastern, are impressed with a consciousness of the vastness and responsibility of the subject, and shrink from the task of describing a people, their own antipodes in every respect. The field is thus left open; and where the philosopher and the close observer have not dared to enter, the smirking travelling tutor, who has spent his week at Smyrna and his fortnight at Constantinople, and galloped over the rest of the Sultan's dominions as if he wished to avoid, not to examine, the people; or the conceited and briefless lawyer steaming it against time, so as to be in the halls of court by term-day, confidently steps in, and, in a space of time not nearly sufficient to examine the statistics of one village, he favours the world with some duodecimo or octavo volumes of contradictions, falsehoods and gross misrepresentation, in which he is faithfully copied by the next writer.

When we pass in review a list of the works which have appeared in our language on Turkey, and when we consider the character of the writers, and their fitness for the work which their vanity had imposed upon them, we cannot be surprised that wherever such informants are received as authorities erroneous opinions should prevail. No private individual, we are certain, would venture to risk his interests in any speculation grounded on the accounts of travellers in Turkey; no merchant would risk his property on the strength of any assertion put forward by such men; yet such have been the sources whence Europe has imbibed her impressions of the Turks,—impressions on which the question of the existence or sacrifice of Turkey, and of the vital interests of Europe, is based.

The instant a traveller lands in the Levant he delivers himself up to the mental and bodily guidance of a Cicerone,—a course from which his ignorance of the language leaves him no escape. These creatures are the refuse of Greece or Italy, or Jews, whom utter worthlessness incapacitates from any more creditable employment. Strangers and aliens in the country, despised by the natives, never coming into contact with the Turks but in the most menial capacity,—as totally devoid of education as of virtue,—they unscrupulously pander to the capacious appetite for the marvellous, which leads the majority of travellers to Turkey. The proverbial gullibility



of our own countrymen holds forth in an especial degree a rich harvest for the ingenuity of these wretches. He who can give the most glowing pictures of the cruelties, of the immorality, of the absurdity and ignorance of the Turks, is most in repute, because his statements chime in the most harmoniously with the nursery-room and schoolboy associations of his hearers. Many are the errors which prevail in Europe regarding Turkey, and which affect, incalculably, the interests of her people, that depend on no other authority.

The European residents in Turkey are regarded, even by those who owe to them whatever of interest their works contain, as utterly ignorant on everything that concerns the vital relations of the country whence they derive such substantial benefits; "thus," (as one of the ablest writers on the political condition of Turkey remarks,) "little imagining that they are breaking the ground from under their own feet; for such being the character of their informants, their information is good for nothing\*." In speaking of the general character of the residents Miss Pardoe is not much behind her predecessors in her estimate of their intelligence and knowledge. "I know not whether it may have been from want of inclination; but it is certain that Europeans at this moment resident in Turkey are as ignorant of all that relates to her political œconomy, her system of government, and her moral ethics, as though they had never left their own country, and who, nevertheless, have been resident there for fifteen or twenty years."

To prove that this is an hereditary evil which time does not eradicate, we quote the following description of them by a woman who seized, in a degree not since equalled by any mere traveller, the chief features of the country. "They," (the residents) says Lady Mary Wortley Montague, "can give no better account of the ways here," (Turkey) "than a French refugee, lodging in a garret in Greek Street, could write of the court of England."

But greatly as such influences tend to give the traveller a false estimate of the facts and people that come before him, they are trifling in their effects on the welfare of Turkey,

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\* *Foreign Quarterly Review*, No. XXX.



when compared with the systematic and organized machinery which the diplomacy of Russia employs to disseminate the mass of error and delusions which she draws as a veil between the eyes of Europe and the actual state of her victim, because the object in view is to mislead cabinets whose interests are compromised in the misfortunes of Turkey. The Ottoman Empire is represented as sunk into a state of decrepitude and decay beyond regeneration—the Turkish population as callous or incapable of making an effort to assist a friend in saving them,—and plans are widely circulated with the most persevering zeal for disposing of the country; which plans, under the plausible semblance of restoring the classic liberty of ancient days, so dear to the schoolboy predilections of Europe, and of opposing checks to the aggressive designs of Russia, are actually formed by herself and circulated with that spirit of propagandism which characterises all her acts. Well may we say with the poet, “Timeo Danaos et dona ferentes.”—Such is the state of thralldom in which she holds the other embassies at the Porte, that, either as unwilling slaves or as uncompromising enemies, she plays the one off against the other, and makes them work for her own ends. This extraordinary phenomenon, the prostration of the diplomacy of Europe at the feet of the tyrant of the Slavonian hordes, is chiefly owing to the circumstance, that the embassies of other states are totally ignorant of the country and of its language, and are forced to employ in their intercourse with the Porte a race of interpreters, the Dragomans. If Russia makes use of the same means it is merely to conform to general usage, because her ministers and attachés know the Turkish language, and are much more intimately acquainted with the institutions of the country than any Dragoman in Turkey. To her they can operate only favourably, because her knowledge gives her complete power over them. These Dragomans are taken from, perhaps, the most degraded and unprincipled population in existence, viz. the Franks of Pera; a community that belongs to no country, is actuated by no feelings of patriotism, attached to no opinions save what self-interest dictates, notoriously venal, treacherous to a proverb in a society where dishonesty is regarded with very charitable liberality, and professedly in the hire of Russia. One fact

alone ought to make any *honest* Government of this country use their determination to rid themselves of such an injurious system,—the head Dragoman of England, the confidential adviser of the British ambassador at the Porte, is the brother of the Russian Dragoman!!!—and for two years not a single despatch of our embassy at Constantinople has been seen or copied by an Englishman!!

This course is criminal, for it has not been forced on England as a necessity. In the person of an English subject, she possesses not only one perfectly acquainted with the Turkish language, but the ablest writer on the laws and institutions of the country, the author of the best works on the foreign relations of the empire, the most powerful opponent that Russian diplomacy ever encountered, and the almost only source to which Europe is indebted for whatever valuable information she possesses on the present political and social condition of the East; and what is of much greater value, the only Christian of modern times who has mixed with the Turks on terms of friendship and equality;—a man whose name is a pass-word from Mount Athos to the Caucasus. Three years ago the hopes of the Turks and of the East were raised to the highest pitch by his appointment as secretary of embassy at the Porte: it seemed an earnest to them that at last the Government of England had assumed that lofty position in the affairs of the East, which her character for honour and generosity—*her interests* and her sympathy for the oppressed, called upon her to occupy.—Russian supremacy seemed tottering, and the conduct of her minister, formerly so overbearing, was now humble and respectful in his relations with the Sultan. At that moment England might, by a word, have placed Turkey on a footing of strength and independence where she could uncontrolled have carried into effect all her schemes of internal amelioration, developed her vast resources, and levelled at Russian influence a blow which it never could have recovered. But owing to the petty jealousies of men who ought to have sunk every feeling of self in advancement of so great, so national a cause, Mr. Urquhart was sacrificed, and we firmly believe that from that moment England, with the best intentions *possibly*, has played the game of Russia more effectually than any of the states whose glory it is to be considered



her creatures. The foreign policy which appointed Sir Stratford Canning to the embassy of St. Petersburg, and refused to name another on the insolent demand of the Czar,—the policy which *planned, encouraged and aided* the voyage of the Vixen,—which held out promise of support to the brave mountaineers of Circassia in their noble struggle for freedom against the hordes of Russia; the policy which named Mr. Urquhart secretary of embassy at Constantinople—has been abandoned; and in its place England has adopted that of subserviency to Russia, which is indicated in the appointment of Lord Durham as ambassador to the Emperor; in the sacrifice of Sir Stratford Canning; in the approval of our foreign secretary of the seizure and confiscation of the Vixen, and the ruin of her owners; in the recal of Mr. Urquhart, and the appointment of Pisani, a *Russian hireling*, to the duties of his place; in the betrayal of Circassia, and its immolation on the altar of the Czar.

We trust that no apology is necessary for this digression, which the subject and the present critical position of our interests in the East seemed to warrant.

In this dearth of trust-worthy books of travel, we hailed with gladness and hope the announcement of Miss Pardoe's "*City of the Sultan.*" The circumstances under which she undertook her journey to the East were altogether more favourable than any of her predecessors were placed in. Enjoying the friendship of those most interested in Eastern affairs before her departure from England, having access to the able refutations which the erroneous statements of former tourists had called forth from the periodical press, her mind apparently set in a proper tone for viewing the state of society she was about to visit in its true light, and, as a woman, a privileged visitor in scenes where the other sex could not enter, we expected from Miss Pardoe a work in most respects different from the one before us. We expected a more consistent, a more solid and a less flippant work than she has produced. Miss Pardoe has mistaken for good language and wit, an extravagance of style and metaphor which often mars her best remarks. She often indulges in a strain of boarding-school sentimentalism, expressed in very pointless language, which gives the reader an impression, that a study



for effect is generally a predominant feeling in her mind. There is a hastiness and dogmatism in her conclusions, a provoking spirit of self-contented frivolity that passes judgment on men and manners, without even a pretension to examination, which will not satisfy the inquirer, and which tends to perpetuate that mass of error under which it seems our fate to continue in all that regards Turkey. When a just observation escapes her, and there are many in her work, it is annihilated in the next sentence by another diametrically opposite, which comes with such a magisterial flow of elegant verbiage, that it leaves its rival no chance of competition.

On perusing the *City of the Sultan*, on its first appearance, we determined to leave it unnoticed; but on hearing it quoted as authority on points which we consider in a very different light from Miss Pardoe, and having a second edition of the work put into our hands, we deem it our duty to record our opinion of its merits. While we are fully inclined to do justice to the many excellent and amiable passages with which the work is interspersed, we must freely, and without any undue forbearance for the sex of the writer, express our dissent when opinions or statements are put forward which we believe to be at variance with facts: whoever undertakes at this critical moment the description of a people and country so much involved in the complications of European affairs as Turkey and the Turks, assumes a very serious responsibility and must submit to a free discussion.

Miss Pardoe informs us in her preface that she had originally intended to have visited Egypt and Greece, but that finding the difficulty of acquiring correct notions on a state of society so different from her own, very great, she determined to limit her travels and her observations to Turkey, in order to prove an "honest chronicler," which she found incompatible "with a hurried and superficial survey of a country constituted like Turkey." While we admire the motive that induced her to relinquish her plans of more extensive travel, and while we acknowledge with pleasure the sense she entertained of the difficulty of describing justly the interesting people among whom she was sojourning, we cannot help entertaining, it may be unfounded, suspicion, that had her stay been shorter, had she avoided a society in Pera which entertains but few charitable

opinions of the Mussulmans—had she, in a word, submitted to what she calls the “spirit thrall” which enforced the opinions she acquired in England, we believe that her work would have been a more faithful record of life in Turkey than it is. Miss Pardoe’s residence on the banks of the Bosphorus no more insured a correct knowledge of Turkish character, than Prince Pückler’s residence on the banks of the Thames insured a correct estimate of England. It seems to us, that in avoiding the “spirit thrall,” she fell into the greater evil of submitting facts to her own biased judgment—in sailing away from Scylla she fell into Charybdis.

Although Miss Pardoe arrived at Constantinople in the most unfavourable season of the year, when the “Queen of Cities” is seen to greatest disadvantage, yet she is in raptures, as every one with a particle of feeling must be, with the glorious prospect before her. The wide expanse of the Bosphorus, its sloping banks covered to the water’s edge with the build-ings of the city; the animated aspect of the “Golden Horn” or harbour, alive with hundreds of the most elegant and picturesque boats occupied by people in the costume of every land from the Ganges to the Baltic; the endless variety of shipping; the forests of cypress trees intermixed with the buildings of the city; the baths, fountains and kiosks, in a style of oriental architecture that tells the European stranger that this is no more the West, fill the mind with wonder and novelty, and recal all the youthful associations regarding the East. But we will let Miss Pardoe speak for herself.

“The atmosphere was laden with snow, and I beheld Stamboul for the first time clad in the ermine mantle of the sternest of seasons. Yet, even thus, the most powerful feeling that unravelled itself from the chaos of sensations which thronged upon me was one of unalloyed delight. How could it be otherwise? I seemed to look on Fairy-land, to behold the embodiment of my wildest visions, to be the denizen of a new world.

“Queenly Stamboul!—the myriad sounds of her streets came to us mellowed by the distance; and as we swept along, the whole glory of her princely port burst upon our view: the gilded palace of Mahmoud, with its glittering gate and over-topping cypresses, among which may be distinguished the buildings of the Serai, were soon passed; behind us was Scutari looking down in beauty on the channel whose waves reflected the graceful outline of its tapering minarets;” (although, as she afterwards tells us, “they were chafing and struggling at the base of the barrack of To-phanné, and at intervals flinging themselves high into the air above its



very roof."—"Galata was beside us with its mouldering walls and warlike memories.

"On the opposite shore clustered the painted dwellings of Constantinople: the party-coloured garment of the 'seven hills'—the tall cypresses that overshadowed her houses, and the stately plane trees, that more than rivalled them in beauty, bent their haughty heads under the weight of accumulated snow.

"Every instant a graceful caique with its long sharp prow and gilded ornament shot past the ship—now freighted with a bearded and turban'd Turk, squatted on his carpet at the bottom of the boat, pipe in hand, and muffled closely in his furred pelisse; the very personification of luxurious idleness; and attended by his red-capped and blue-coated domestic, who was sometimes a thick-lipped negro, but more frequently a keen-eyed and moustachioed Mussulman;—now tenanted by a group of women huddled closely together, and wearing the yashmac or veil of white muslin, which covers all the face except the eyes and nose, and gives to the wearer the appearance of an animated corpse; many of them as they passed languidly breathing out their harmonious Turkish, which in a female mouth, is almost music."

After describing various other groups, she adds,

"Thus far I could compare the port of Constantinople to nothing else than poetry put into action: the novel character of the scenery—the ever-shifting picturesque and graceful groups—the constant flitting past of the fairy-like caiques—the strange tongues—the dark wild eyes—all conspired to rivet me to the deck, despite the bitterness of the weather."—Vol. i. p. 2.

After a glowing description of the magic effects of fireworks which (it being Ramazan) were exhibited at night, Miss Pardoe, in a very abstract and independent manner, puts forth the following doctrine, which may afford some clue to the general character of her work.

"I detest the spirit which reduces every thing to plain reason, and pleases itself by tracing effects to causes—where the only result of the research must be the annihilation of all romance and the extinction of all wonder. The flowers that blossom by the way-side of life are less beautiful when we have torn them leaf from leaf asunder, to analyse their properties, and to determine their classes, than when we first inhale their perfume, and delight in their lovely tints, heedless of all save the enjoyment they impart. The man of science may decry, and the philosopher may condemn such a mode of reasoning," (and with justice,) "but really in these days of utilitarianism, when all things are reduced to rule and laid bare by wisdom, it is desirable to reserve a niche or two, unprofaned by 'the Schoolmaster', where fancy may plume herself unchidden despite the never-ending analysis of a theorising world!"—Vol. i. p. 9.

Well, indeed, may Miss Pardoe insert the mark of surprise



at the end of such a passage. These are rather startling doctrines to begin a matter of fact work with; they display an originality which is quite heroic: this detestation of reason—of candidly tracing effects to their causes—in short, this liberal contempt for plain truth, may be abundantly convenient for varnishing up a work of fiction; but we confess that it does not increase our confidence in the conclusions of the “honest chronicler,” who promised to give her readers a “more complete and just insight into Turkish domestic life than they had hitherto obtained;” and we cannot but regret that she should have sacrificed her Grecian and Egyptian tours, if this was the frame of mind in which she intended to surmount the difficulties which she felt in entering on a study of Turkish society.

“On the first of January, 1836, we landed at the Custom House-stairs, at Galata, amid a perfect storm of snow and wind, nor must I omit the fact that we did so without ‘let or hinderance,’ from the officers of the establishment.” . . . “I could not avoid contrasting this mode of action in the ‘barbarous’ East with that of civilized Europe, where even your very person is not sacred from the investigation of low-bred and low-minded individuals, from whose officious and frequently impertinent contact you can secure yourself only by a bribe. Perhaps the contrast struck me the more forcibly that we had embarked from Marseilles, where all which concerns either the Douane or the Bureau de Santé, is *à la rigueur*,—where you are obliged to pay a duty on what you take out of the city, as well as what you take in.” &c., &c.—Vol. i. p. 11.

Though Miss Pardoe in the foregoing remarks does justice to the natural and dignified politeness of Turks, as contrasted with the rudeness of Europeans, yet she evidently has not traced this freedom from the tide-waiters’ visits to its true cause; she has not seen in this simple fact a practical illustration of one of the most valuable and most cherished principles of Turkish legislation, viz., Freedom of Commerce,—a principle which, by its universality and its unquestioned operation, seems more an instinct inherent in every Eastern community than the slow result of experience and wisdom.

The Turks are a people of simple minds, to whose feelings the fictitious value conferred on articles by the complications of custom-house and excise dues is repugnant,—against which they have frequently risen in arms, until the obnoxious provisions were repealed, and by means of which the Sultan, in

his injudicious imitation of European customs or by the Machiavelian counsel of his Muscovite allies, has greatly endangered his popularity. In the simple institutions transmitted from the Arabs to the Turks, and which have formed the safeguard of the Ottoman Empire against every species of internal abuse and foreign encroachment, direct taxation is an essential element; the very existence of these institutions is incompatible with indirect taxation, or custom-house dues. With the exception of the *Miri* or Capitation tax, raised on Rayahs in lieu of military service, the whole revenue of the Turkish Empire is derived from a property tax, assessed not by any acts of the central government, but left entirely to each community to settle in its own way. Every village or district has a certain amount to contribute to the state, proportioned to its means; each member of the community contributes according to a rate assessed by a municipal council, elected from among the most respectable and worthy members of the place by a general assembly of the inhabitants; these rulers or elders are elected for a year, and may be deprived of office at any time earlier, if guilty of any misdemeanor. Every member of the community, however poor or rich, is obliged to contribute his share. There are, thus, neither privileges nor disabilities in a community where the acts of the magistracy are controlled entirely by public opinion, and where the responsibilities of every individual are known, and become objects of direct personal interest to every member of the electing assembly. It is the interest and duty of the elders and people to watch the conduct of their neighbour, "to prevent the negligence, inactivity, or misfortune of any individual from adding to the burthen of the rest\*." The Porte never interferes in the administration or in the appointment of these municipal councils; it leaves every community freely to exercise the right which Eastern law and the practice of centuries have conferred upon it,—of choosing its own magistracy, deciding its own disputes, forming its own local, civil and religious enactments, and collecting and assessing its own taxes. These direct taxes are the only ones which the spirit and practice of the peculiar organization of Turkish law

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\* Turkey and its Resources.



admit of; all restrictions on exchange between man and man, or district and district, are diametrically opposed to the fundamental basis of these institutions, and revolting to the feelings and habits of every subject of the Sultan.

Such being the necessary result of the only legal source of revenue in Turkey, viz., direct taxation, the prohibitory laws which restrain the freedom of commerce in Europe, and which have in their train introduced custom-houses, an expensive array of collectors and police, smuggling, robbery and bloodshed, are at variance with Turkish legislation; and their absence materially conduces to the tranquillity and absence of crime, which characterize Turkey, when compared with the states of Europe. The Turks, though excluded from our markets, and taxed by us in their own land, by our anti-social system of commerce, have always been wise enough never to have retorted upon us, in a spirit of blind retaliation, our exclusiveness. The practical good sense of the Turks and their sacred regard for hospitality, even if their institutions did not directly tend to freedom of commerce, would never allow them to institute those stringent laws against the stranger with which the civilization of Europe has fenced its states around. The Turks when questioned on this point answer, that such prohibitory enactments, as acts of retaliation for the injustice of Europe towards them, would be of a similar class of benefits to those which the suicide reaps, who cuts his own throat to avenge some insult offered him by another. The very few tourists that have had an idea of the existence in Turkey of a freedom which is considered in Europe as Utopian, have only regarded it as their own country was affected by its operations, and have inevitably considered the exemptions which the traders of Europe enjoy, as privileges extorted from the weakness of the Porte by the power of the West. The injustice of such an assertion will appear when we are reminded, that commerce was as free and untrammelled as it is at present—when the Turkish cannon sounded under the walls of Vienna—when the Crescent threatened to supplant the Cross on every church-spire in the Empire of the Casars—and when the ministers of the most powerful princes in Christendom were sent as prisoners to the Seven Towers to learn opinions more in consonance with the will of the Sultan.



Miss Pardoe appears to have been ignorant of the sure and fixed cause of that absence of let or hindrance which welcomed her to the Turkish shore. In conformity with her declared aversion to "tracing effects to their causes," or probably in accordance with her knowledge of Turkish character, she attributes the contrast between her treatment by the Douaniers of Marseilles, and the authorities of Galata, to the native hospitality and politeness of the Mussulmans. No doubt these qualities have considerable influence upon the reception of the stranger on Turkish soil, but we have seen that it does not depend on so fickle a foundation, but results from the institutions of the country and is guaranteed by the laws of the nation. Russia, with her wonted ability, has seized upon this grand principle to dis sever the elements of the Ottoman Empire, and to dissolve the ties of common interest among the various classes of subjects, which knit them into one people, and have hitherto been insuperable obstacles to her ambition. The most powerful bond of union among all the populations that comprise the Ottoman Empire, the common centre where all their interests meet, is the person of the Sultan; with the Turks, their attachment to the head of their race and religion, is a deep-rooted feeling of devotion; with the Rayah populations it is the filial affection of clansmen to their chief. Russia knows well that while the Sultan retains the support of his people and of public opinion, she can never carry into execution her designs of seizing on Constantinople and Turkey; she knows that the first shot fired against the standard of Mahomet, with the view of obtaining the throne of the Caliphs and desecrating the prophet's shrine, would engage her in a doubtful and perhaps unequal contest with all the religious and national fanaticism of the whole Mussulman race. When she seizes on Constantinople she will do so as the restorer of order, in peace and good will, as the friend of the Turks; she will meet with no opposition, but will be invited as a protector by the very people whom she sacrifices. With this consummation always in view she puts all the power which her knowledge and our ignorance or supineness give her into full operation, with a zeal which shows a determination not to be baffled by any opposition. Of no feature of the Turkish mind has she made a greater use than of their innate attachment

to freedom of commerce. By her influence she induces the Sultan, already too prone to imitate the faults of Europe, to establish custom-houses and excisemen in all his ports and towns, to levy duties on foreign and domestic exchanges,—in fact to annihilate freedom of commerce. Such a course is a blow at the birthright of every subject of the Porte—hostile to the spirit of his laws and habits; the affections of his people are alienated from the Sultan; the most potent spell that bound the elements of the empire together in one band is dissolved, and in its stead a demoralizing and disuniting feeling of hostility is engendered, which views the Sultan as at war with the dearest interests of his people, and identifies him no longer with their common fate. These laws are in a measure repealed at the demand of a nation roused to a sense of its wrongs. By whom? By the Sultan? No; Russia declares herself the advocate of the people against their oppressor; prevails on the Sultan to renounce the edicts which she herself had forced upon him; presents herself as a friend to the subjects of Mahmoud; and thus by one stroke of consummate policy, she ruins the Sultan in the affections of his people, attaches them to herself, undermines the most conservative element of the empire, and makes a fearful stride towards the fulfilment of her designs.

Our authoress indulges more frequently in flat contradictions than is desirable in the honest chronicler of Turkish domestic life, and perplexes her readers in a most cruel manner by statements the most opposite, often in the course of the same paragraph. We select an example. After giving us not a very elevating opinion of the occupations of a harem, where she was very kindly received, she goes on to describe the *Bazaars* or "*Charsees*," as she makes it a point of naming them.

"Our first visit was to the Charsees, or as Europeans, for some inexplicable reason, have the habit of calling them, the '*bazaars*;' the word bazaar literally signifying '*market*,'" (and therefore the very best reason for calling them bazaars, as they *are* markets and nothing *but* markets), "and as the carriage rattled under the heavy portal, my first impression was that of extreme disappointment. The great attraction of these establishments is undeniably their vast extent, for in *tenue* and richness they are as inferior to our own miniature bazaars in London as possible;" (and between which, by the way, the only comparison that can be instituted is



their name). "Rudely paved, disagreeably dirty, plentifully furnished with *eyouls*, of which both the sight and the smell are unpleasing, badly lighted, clumsily built, and so constructed as to afford no idea of the space they cover until you have wandered through the whole of their mazes, your involuntary impression is one of wonder at the hyperboles which have been lavished upon them by travellers, and the uncalled-for ecstasies of tour writers."

Notwithstanding this denunciation against travellers, tour writers and bazaars, our fair authoress suddenly changes her strain of disapprobation; and as if determined not to be out-done by the most surcharged "hyperboles of travellers," or ecstasies of "tour writers," she out-herods the most extravagant of them, in another part of her description of the very "establishments," which she handles so severely in the foregoing passage. Miss Pardoe continues in the same paragraph.

"In the street of the embroiderers, whose stalls make a very gay appearance, being hung all over with tobacco bags, purses and coiffures, wrought in gold and silver, we purchased a couple of richly worked handkerchiefs, used by the ladies of the country for binding up the hair, after the bath, and which are embroidered with a taste and skill truly admirable.

"Thence we drove to the shoe bazaar, where slippers worked with seed pearls, and with silver and gold lace, make a very handsome and tempting appearance; and among these are ranged circular looking-glasses, of which the frames, backs and handles are similarly ornamented. The scent-dealers next claimed our attention; and their quarter is indeed a miniature of 'Arabia the blest,' for the atmosphere is one cloud of perfume. Here we were fully enabled to understand *l'embarras des richesses*;" (a sort of *embarras* which is not easily understood in the bazaars of London, superior though she declares them to be in richness and tenue to the charsees of Constantinople,) "for all the sweets of the East and West tempted us at once, from the long and slender flacon of Eau de Cologne, to the small, gilded, closely enveloped bottle of ottar gul. No less luxurious was the atmosphere of the specie bazaar" (charsee?) "with its pyramids of cloves, its piles of cinnamon, and its bags of mace; and while the porcelain dealers allured us to their neighbourhood by a dazzling display, comprising every variety of ancient and modern china—silks, velvets, Broussa satins and gold gauze in their turn, invited us in another direction; and in short I left the charsees with aching eyes, and a very confused impression of this great mart of luxury and expense."—Vol. i. p. 34.

The most fastidious traveller and tour writer ought to be fully satisfied with this confirmation of his hyperboles or ecstasies. In kind regard to her untravelled readers, we hope Miss Pardoe will inform them in her next edition, which of the



two descriptions—the want of “riches and *tenue*,” or the “*embarras des richesses*,” “the luxury and expense,”—is the correct one.

By several passages of her work Miss Pardoe shows that she has got a glimmering of one of the most lofty traits of Turkish legislation—one which has been more misunderstood and misrepresented in Europe than any other, viz., religious toleration.

In Christendom the words fanatic and Turk are synonymous. Islamism is regarded, *par excellence*, as the religion of the sword; our imaginations personify its toleration in the figure of a Turk offering the Koran in one hand and waving the scimitar in the other. To the savage spirit of proselytism, which we believe Mahommed to have breathed into his followers, do we attribute their desire of conquest; and the extent and permanency of the Ottoman dominion are satisfactorily accounted for in Europe, by the general extirpation of every other creed, which we call the war cry of the Sultans and Caliphs. We consider as the *sine quâ non* of political existence under the Caliphs, the abjuration of every other faith, and conversion to the doctrines of the Koran.

In Turkey, however, every question of national importance is tinged with the spirit of religion,—in all their relations, domestic and political, religion breathes its lofty morality—in their laws, habits and feelings, religion is the most powerful regulator and modeller; it is the all-pervading principle that gives life, direction and character to their thoughts and actions,—that fills the mind and strikes the grandest difference between the East and West. But this directing agent never led the followers of Mahommed away to institute either the torture of the stake or the fury of the Inquisition against the dissenter from its tenets. The same policy which leaves uncontrolled, in the hands of each community, the regulation of its own affairs, and the formation and execution of its own laws—which shrinks from interfering in the freedom of exchange between country and country, which guarantees to the stranger the exercise of his own laws, habits and manners,—also proclaims to all classes of its subjects the free and unconditional exercise of their religious duties. Religious toleration is a vital element of Turkish power, and a principal cause

of that repose which so signally characterises the varied populations which compose the Ottoman empire. By its powerful agency it transmits to every class a dignified character of non-interference and unobtrusiveness, and acts as a check to all the sectarian prejudices which would burst forth on its removal.

The Turks find no part of the domestic policy of England so inconsistent with their ideas of our greatness, liberty and justice, as that which dooms so many millions of our people to a state of religious degradation. Ireland cannot bear a comparison with Roumelia, where about eight millions of Christians and one million of Turks live on terms of religious equality, and where the greatest variance in creed forms no ground of political injustice.

We will venture to assert, that among all the outrageous opinions put forward in all the books of travel ever published on Turkey, no one could more thoroughly disgust the national feelings of an Osmanli than that advanced by a recent traveller, who seriously advocates conversion by the sword as quite as good and moral as any other.

One of the ablest and most enthusiastic advocates of Catholicism, while searching for facts on which he intended to build a system that should displace Islamism from her strongholds, and establish in its stead the doctrines of Rome, confesses, that

“the Mahommedan religion is in its nature moral, patient, resigned, charitable and tolerant. It is accustomed to subsist in peace and harmony with the various forms of christian worship, to which it allows free exercise, even in the bosom of its holiest cities, such as Damascus and Jerusalem. It is careless of supremacy,—prayer, justice and peace are all its wants.

“I see no grounds for accusing and abusing the Turks; their alleged brutal intolerance only shows the ignorance of those who prefer the charge;—they are the *only tolerant people in existence.*”—*Lamartine.*

In the best-governed province of Turkey, where the Sultan's reforms have, by a combination of fortunate circumstances, been allowed a fair trial, where contentment and a devotion to their sovereign, surpassed by those of no country, universally manifest themselves,—where no one can doubt of the practical tolerance of the Sultan, and where the inhabitants are of Georgian and Christian extraction,—proselytism



goes on at a rate which threatens soon to convert the whole population to the religion of Mahomet; and how has this been effected? Mainly by the agency of that power whose aggressions in Turkey and the East are hailed by many people, in this and other countries of Europe, as the means of spreading the religion of Christ among the followers of Mahommed. The Lazs, contrasting their own liberal institutions under the Sultans, with the grievances of their kinsmen and neighbours under the Czars, have, since the convention which signed them over to Russia, expressed their opinion of the act, by renouncing the faith of their new masters and proclaiming the faith of the Sultan. "Thus," as an able writer justly remarks, "Russia, in separating them administratively from the Porte, has brought about their religious union with the Sultan."\* We firmly believe, and we could prove it, that in proportion as the former subjects of the Porte have experienced the sway of Russia, so have conversions from Christianity to Islamism increased.

The experience of Europe has long ago fully proved that religious persecution but multiplies the oppressed sects—that martyrdom increases the number which it seeks to diminish. He who knows anything of the feelings of Eastern populations will acknowledge that the experience of Europe is fully borne out there. With this truth before our eyes, how can we, except on the principle of toleration, account for the following amount of apostasy from among the Rayah creeds of the Ottoman empire, to Islamism? The details in every instance, if this were the place to enter upon them, prove that in no one case had intolerance anything to do with the matter.

"A century ago there were no Albanian Mahometans; there are now above a million: the Slavonian population were all Christians; they now reckon two millions of Mahometans: the Greeks of Europe have been subject to less change; yet considerable numbers, though no large bodies that we are aware of, have embraced Islamism. Not so the Asiatic Greeks; the district of Off, which contains a large portion of the remnants of the Greek empire of Trapezuntium, have all become Mussulmans. They speak Greek still (while, strange to say, the *Haichrum* or Armenian Greeks, the Greeks of the Greek Church of Asia Minor, speak Turkish); and, preserving the scholastic temperament of their race, have all of them applied themselves to the study of the Mussulman law, and are to be found all

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\* England and Russia, p. 38, 5th edition.



near the empire as doctors, judges and scribes. In each village they tell you the year when it pleased God to enlighten them and to deliver them from idolatry and licentious habits. The Curds and many Armenians passed in a large mass from Christianity to Islamism. Even the Jews have been converted to Islamism; a body of them, a hundred and fifty years ago, at Salonica, passed from the faith of Abraham, but they still remain a distinct, though wealthy and respected class, under the title of Dunme. The Georgians in the christian territory have, within fifty years, begun to abandon christianity;—their conversion is now almost complete.”\*

In a long description of a visit to the Greeks of the Fanar, which is so full of inconsistencies and high-flown sentiment, that we cannot enter on it in detail, Miss Pardoe is enamoured in an especial manner with Logotheti—the great Logotheti, as she denominates him. After expressing her utter indifference as to whether he is the meanest thing that creeps,—a traitor—or not, she tells us she only looks on him as the “man.” This Pickwickian distinction may be convenient, when it comes backed by such attentions as our authoress received from so influential a man. Without feeling its force, she would scarcely be proud of “finding her hand within his, threading the mazes of a cotillon,” or of accepting the hospitality of a man, whom all Europe, in spite of all his gallantry, will consider as “having brought about the treaty “of Unkiar Skelessi;” of “having caused Achmet Pacha to counsel the Sultan to cede away some of his finest provinces to the Russians, in virtue of the convention of St. Petersburg; and, to crown all, of being in the receipt of “a considerable pension, granted to him in consideration of “his services by the Emperor Nicholas.”

In another part of her work, she, as very often happens in her pages, makes a sort of *amende honorable* for previous errors; and she there paints the great Logotheti and his compatriots in their true colours: no names are mentioned, but the descriptions which follow of the individuals “most in the confidence of the Porte,” amongst the Fanariot Greeks, leave the “Great” Logotheti his share of it. “*Each is to be had at his price*; and as the most talented amongst them “are in the confidence of the leading members of the Turkish

"Government, it were idle to expatiate on the pernicious "consequences of their influence." Yes, Miss Pardoe, that is the whole question; the character of Logotheti and his position in a nut shell,—and there we leave him.

Our authoress is in raptures at the "strides which the Constantinopolitan Greeks *are making* towards civilization."

"The Turks have a thousand old and cherished superstitions," says she, "that tend to clog the chariot wheel of social progression, and which it will require time to rend away. The Armenians, who regard their Moslem masters as the *ne plus ultra* of human perfection, are still further removed from improvement than the Turks. The Greeks, lively and quick-minded, seize, as it were by intuition, minute shades of character as well as striking points of manners. Locomotive, physically as well as mentally, they indulge their erratic tastes and propensities by travel—they compare, estimate, and adopt; they pride themselves on their progress; they stand forth despising all half-measures, as declared converts to European custom; and they fashion their minds as well as their bodies after their admitted models.

"The Turk will fix his eye on a distant and important object, and work steadily onward till he has obtained it. The active Greek will have clutched a score of minor advantages, which *probably* in the aggregate are of more than equal weight.

"As it is, there is so strong a principle of *moral* life in this portion of the Greeks, that, were they more united among themselves, and less a prey to internal jealousies and heart-burnings, it is probable that in these times, when Turkey lies a worsted giant, at the mercy of the European powers, the heel of the Greeks might be shod with an iron, heavy enough to press her down beyond all means of resuscitation, in possession as they are of the confidence of those in power."—Vol. i. p. 79.

These iron-heeled Greeks and the prostrate Giant put us in mind of Gulliver asleep among the arrows of the Lilliputs; we presume that Miss Pardoe has compared the social condition of the Greeks of the Fanar at some distant or recent period with what she found it in 1833; and that the result of that comparison has been the gratifying one of their *making* "rapid strides towards civilization." Civilization is an equivocal word, and may bear different interpretations in different lands. But Miss Pardoe specifies the style of civilization which stalks so boldly forward with its iron heel at the Fanar; it is that of Europe; the Fanariots stand forward as the "declared" "converts of European customs—and imitate in all respects "their admitted models." It must be agreeable to Europe to know that its civilization has taken such root in Constan-



tinople, and it must be curious to examine the reflection of its own greatness shining forth on the Bosphorus. Philanthropy must rejoice in the new prospects thus opened to mankind. Fortunately our authoress has put it in our power to favour our readers with an exact picture of the workings of our civilization at the Fanar, and we give it in her own words:—

"The Greek colony at the Fanar is the focus of intrigue; each is a spy on his neighbour; here 'Greek meets Greek', and the tug of war is deadly. Patriarchs and archbishops are deposed and exiled; magistrates are disgraced and banished, as one or the other party obtains power, until the concentration of hatred atrophies every heart, and the smile on every lip waits but the opportunity to wither into a sneer. Each suffices to himself; he is his own world; and he centres all his energies and exertions upon one point. In this fact consists the weakness of the Greeks; they are too egotistical to be dangerous; they indulge individual selfishness, when they should exert themselves for the common benefit of the community; the fruit is perished at the core, and it consequently decays upon the surface; and while they thus make war upon each other, and sling the brand of jealousy upon their own hearths, they require no exterior force to crush them. Dissimulation is the atmosphere in which they live; jealousy is the food on which they prey; and while they are urging on the chariot of their own fortune, they are sure to have some luckless rival impaled upon the spokes of the uncertain wheel. Hence all those overwhelming revolutions which render the tenure of wealth and honours among them almost as precarious as among the Turks. Their circle is limited; their hemisphere will afford space for one luminary only; to aggrandize one, another must be sacrificed; and thus it is a perpetual grappling for ascendancy, and public probity and private friendship give place before it; they are anything but safe counsellors or firm friends; each is to be had at a price." &c. &c.—Vol. i. p. 150.

If such be in reality the state of advancement in civilization of the Fanariot Greeks, and if they have exactly copied their European models, as Miss Pardoe declares they have, we cannot be surprised that among a people who, like the Turks, consider honour, friendship, truth and morality of some consequence to the well-being of a nation, European civilization and its "*moral life*" should not have made much progress. We sincerely trust that our "Ancient Ally" will, as heretofore, keep his "eye steadily fixed on important even though distant objects," rather than be dazzled away by such a distorted reflection of our manners and morality; and while he does so he will find all the "iron-shod heels" that ever danced



a cotillon in the halls of the Fanar, as vulnerable as was that of Achilles.

But we gladly turn from this sad account of "Grecian faith" and "civilization" to the beautiful picture our authoress has drawn of Turkish character,—to contrast the heightened morality of the latter with her description of the degraded and demoralized state of the former. When we compare the social condition of the Turks, as here described, with what we have just read concerning the fruits of European civilization in the Fanar, we may pause, and perhaps doubt whether we ought to declare that "war to the knife" against a state of society in which so much real goodness exists, which it is so much the fashion with us to do, and whether the anti-social feelings that spring from our own supposed superiority over the Turks are well founded or warranted. The Turk is here presented in terms which do equal credit to Miss Pardoe's heart and head, and which make us deeply regret that she did not more frequently trust to the dictates of both: he is painted as the most affectionate of fathers,—the most dutiful of sons,—the most kind and indulgent of husbands. His religion is unostentatious, calm, and sincere; his love of nature is unbounded; his tastes are simple and refined; his devotion to his country, his sovereign, and his home is almost intuitive and religious; charity is a national habit; hospitality enters and breathes its invigorating and lofty spirit into all his laws: the stranger and guest are sacred.

"And yet who that regards with unprejudiced eyes the moral state of Turkey can fail to be struck by the absence of capital crime, the contented and even proud feeling of the lower ranks, and the absence of all assumption and haughtiness among the higher?

"Constantinople, with a population of six hundred thousand souls, has a police of one hundred and fifty men; no street riots rouse the citizens from their evening cogitations; no gaming-house vomits forth its throng of despairing or of exulting votaries; no murders frighten sleep from the pillows of the timid, 'making night hideous;' no ruined speculator terminates his losses and his life at the same instant, and thus bequeaths a double misery to his survivors; no inebriated mechanic reels homeward to wreak his drunken temper on his trembling wife. The Kavashli, or police of the capital, are rather for show than use.

"If occasionally some loud voice of dispute or some ringing peal of laughter should scare the silence of the night, it is sure to be the voice or laughter of an *European*, for the Turk is never loud even in his mirth.

"In Europe the subversion of order is the work of those who have every thing to gain, and who from having no individual interest in the country have consequently nothing to lose. But throughout the Ottoman empire nearly every man is the owner of a plot of land, and is enabled to trim his own vine and to sit under the shadow of his fig-tree; he has an interest in the soil, and thus, though popular commotions are of frequent occurrence" (where?), "they merely agitate without exasperating the feelings of the people."

These are sad dampers to the gratuitous commiseration which Europe has so liberally extended to the Turks, because people believed the Sultan was the only landed proprietor in the empire, and that, like a certain nobleman, "he could do what he liked with his own."

"To all the brute creation the Turks are not only merciful but ministering friends; and to so great an extent do they carry this tenderness towards the inferior animals, that they will not kill an unweaned lamb, in order to spare unnecessary suffering to the mother\*.

"It may not be unamusing to state the forfeit inflicted on an individual for destroying one of these animals (dogs), as it is both curious and characteristic. The dead dog is hung up by the tail in such a manner as to suffer his nose to touch the ground, and his murderer is compelled to cover him entirely with corn or millet-seed, which is secured by the proper authorities and distributed to the poor. This ceremony generally costs the delinquent about a thousand piastres†.

"Another distinguishing trait in the Turkish character is their strong parental affection, indeed I may say love of children generally. Nothing can be more beautiful than the tenderness of a Turkish father; he hails every demonstration of dawning intellect, every proof of infant affection, with a delight which must be witnessed to be thoroughly understood; he anticipates every want; he gratifies every wish; he sacrifices his own personal comfort to ensure that of his child.

"An equally beautiful feature of the Turks is their reverence and respect for the author of their being; their wives' advice and reprimand are unheeded; their words are, *bosch*, nothing,—but the mother is an oracle; she is consulted, confided in, and listened to with respect and deference; honoured to her latest hour, and remembered with regret and affection beyond the grave. 'My wives die and I can replace them,' says the Osmanli; 'my children perish and others may be born to me; but who shall restore to me the mother who is passed away and is seen no more?'

"These are strong traits—beautiful developments of human nature; and if such be indeed the social attributes of 'barbarians,' then may civilized

\* There is a very severe penalty for killing a lamb before a certain stated day in May, when all lambs are considered to be weaned: we have frequently been witness to the repugnance and contempt with which natives of Turkey replied to our request for dressed lamb before this period of the season.

† The same penalty was inflicted in the Anglo-Norman times upon him who stole or slew a swan.



Europe, amid her pride of science and her superiority of knowledge, confess that herein at least she is mated by the less highly gifted Mussulman.

"Nor must I omit to remark on the devout and unaffected religious feeling that exists in Turkey; not only among the Mussulmans, who, however imperative may be their avocations, never neglect to pray five times a day, but equally among the Greeks and Armenians, whose fasts are so severe, that those of the Roman Catholics are comparatively feasts. If you meet a Turk and inquire after his health, he replies, 'Shukiar Allah!' Praise be to God, I am well. Every thing is referred to the first great cause; there is none of that haughty self dependence, that overweening *morgue*, so strongly marked in Europeans. Among men the Osmanli considers himself the first, but only among men; when he puts off his slippers at the door of the mosque, he carries no pomp with him into the presence of his God. The luxurious inhabitant of the East, who in his own Saïemlick is wont to recline on cushions and to be served by officious slaves, does not pass into the house of God to tenant a crimson-lined and well-padded pew, and to listen to the words of inspiration beside a comfortable stove in drowsy indifference; he takes his place among the crowd; the Effendi stands beside the water-carrier; the Bley near the charcoal vender; he is but one item among many; he arrogates to himself no honour in the temple, where all men are as one common family; and he insults not the Divine Majesty by a bended knee and a stubborn brow."—Vol. i. p. 95.

Miss Pardoe accuses the Turks of entertaining a "thousand *anti-social* prejudices." How far the accusation is a just one, the following passage will prove.

"Nothing can exceed the courtesy of the Turkish ladies to strangers; they always appear delighted to converse with an European female who seems disposed to meet them half-way; and they do so with a frankness and an ease which at once destroy every feeling of *gêne* on the part of the stranger. In five minutes everything they have is at your service,—the fruit of which they are partaking, and the scented sherbet that they have prepared with their own hands. To make acquaintance with them you only require to be cheerful, willing to indulge their harmless curiosity, and ready to return their civility in as far as you are enabled to do so. There is none of that withering indifference, or that supercilious scrutiny, which obtains so much in Europe, to be dreaded from a Turkish gentlewoman; but there is, on the contrary, an earnest urbanity about her which is delightful, and which emanates from the intuitive politeness so universal among the natives, coupled with a simplicity of feeling and a sincerity of good nature that lend a double charm to the courtesies of life. Nor is the eye less satisfied than the heart in these moments of agreeable, although brief communion; for the graceful bearing of an Oriental female greatly enhances the charms of her ready kindness; and her self-possession and dignity of manner render her superior to the paltry affectation of assumed coldness, while they convince you that she would be as prompt to resent impertinence as she had been to proffer courtesy."



One instance more of the "drags" set by Turkish unsociability on the "chariot wheel of civilization."

"I am obliged to confess that no assemblage of European gentlewomen would have welcomed among them two female strangers, as the Turkish ladies, during the day we spent at Guik Suy, received my friend and myself. The wandering Giazours were everywhere greeted with smiles, urged to linger, invited to partake of every rural collation, treated, in short, as friends rather than persons seen for the first, and probably the only time. And such a welcome as this might be secured by every Frank lady, did she consider it worth her while to conciliate the Turkish females, who are always sufficiently rewarded for their courtesy and kindness by a gay smile and a ready acceptance of their proffered civility; and yet it is a singular fact that the European ladies resident in Constantinople are scarcely acquainted with one Osmanli family, and I have been asked more than once if I was not frightened of the Turkish women."—Vol. iii. p. 96.

With how much greater justice the Turks may complain of the clog which Europeans set on "the chariot wheel" of social progression, than we can retort the charge, these extracts abundantly show.

After the preceding charge of unsociability, we were not surprised at finding our author making another very nearly akin to it; viz. that the Osmanli is an enemy to all change, and that the Sultan has lost favour in the eyes of his Turkish subjects by his exertions in the work of reformation, and in the correction of abuse. The Turk has unfortunately been long regarded in Europe as an apathetic, slothful and impracticable specimen of humanity, blindly resigning himself without an effort to the immutable decrees of fate. Sharing, in common with her countrymen, this most erroneous idea, Miss Pardoe, in spite of all she saw and all she writes to prove the contrary, could not help now and then giving facts a slight colouring, in accordance with European feelings. We felt assured, however, when the passage which we are now to quote came before us, that Miss Pardoe would, in the course of her volumes, furnish a full and able refutation of it, as she had done in the instances already brought forward, and we were not disappointed. People who tell long stories should have long memories; and, owing to a defect in this precious faculty of the mind, Miss Pardoe's three octavo volumes of close print prove the justice of a very ancient observation, that "a great book is a great evil." Had her matter been

compressed into its proper size, we consider that the dimensions of one half its present form would be a liberal allowance. In a book of fewer pages there would be fewer contradictions.

"The Osmanli is, moreover, mentally as well as physically indolent; he is an enemy to all unnecessary excitement, and the subjects of Sultan Mahmoud have never threatened him with rebellion, because he refused to grant any change in their existing privileges and customs, but on the contrary, because he sought innovations for which they had never asked, and for which they had no desire. 'Why,' they exclaim in their philosophy, 'why seek to alter what is well? if we are content, what more can we desire?' and acting upon this principle, they resist every attempt at change, as they would a design against their individual liberty. This feeling has induced the great unpopularity of the Sultan, who, in his zeal to civilize the empire, has necessarily shocked many privileges, and overturned many theories.

"The Turk is vain and self-centred, and consequently most susceptible to flattery. Tell him that he is 'wisest, virtuouslest, discreetest, best,' and his own self-appreciation leads him immediately to put firm faith in the sincerity of your assertions. The effect of this blind truth is evident at once; it paralyses all desire of further improvement; he holds it as supererogatory to 'gild refined gold and paint the lily,' and he thus stops short at the threshold, when he should press forward to the arena."—Vol. i. pp. 88-89.

Let us contrast this description of the mental and bodily indolence of the Osmanlis, of their antipathy to change, of their vanity and self-appreciation, with what our authoress says in other parts of her work. In a chapter on a military festival given at Pera, Miss Pardoe thus expresses herself on the appearance of the Turkish soldiers:

"It was impossible not to be struck by a conviction of the *perseverance* and *adaptive powers* of the Turks on seeing this body of men, who, although labouring under all the defect of slovenly dress and defective instruction, had nevertheless, in a few years, succeeded in presenting an appearance of European discipline. *Self-taught*,—for the Turks have been deterred from exerting that which *their own good sense led them to feel would be the most efficient means of speedily attaining the perfection at which they aimed*, that is, *of profiting by the instruction of foreigners*; they have, *amid all the difficulties of their position*, succeeded in proving that *their imitative talents* are very considerable, and the jealous policy of Russia has only tended to demonstrate to those who have had an opportunity of comparing the present state of the Turkish army with that in which it was but three years ago, that *the Osmanlis have every inclination to avail themselves of the opportunities that are afforded to them of studying the institutions of other nations, where their efforts are not frustrated by political considerations*.



"The docility of the Turkish soldier is admirable, and his desire of improvement so unceasing, that it is a common occurrence for him to spend his hours of relaxation in perfecting himself, as far as his own knowledge enables him to do so, in the management of his firelock; while the care and time which he bestows upon the arm itself is visible, at once, from the lustre of its bright barrel, and the cleanliness of its whole appearance."—Vol. iii. p. 76.

Our time and limits prevent us from confronting multitudes of such contradictory statements from the volumes before us. With such testimony, as the last-quoted paragraph, of the "*mental and bodily indolence of the Osmanlis*," their "paralysis in improvement," and their "apathy to reform," we dismiss this part of our duty, and leave Miss Pardoe to reconcile such palpable inconsistencies.

We are told that the "*natural vanity*" and "*self-appreciation*" of the Turks is a great barrier to their social improvement and the repeal of abuse; that their self-conceit is so overweening, and their self-satisfaction so all-sufficient, that they hold it quite supererogatory "*to gild refined gold*." Though the numerous quotations which we have already made might suffice to prove the unostentatious, modest and unselfish character of the Turks, and consequently to annihilate such an unwarrantable accusation as here presents itself, yet we cannot refrain from making, according to our plan, an extract which contains, at once and directly, a flat contradiction of the charge.

"The Turks are perfectly destitute of that *morgue* which renders European society a constant state of warfare against intrusion. Every individual is 'eligible' in Turkey. No one loses *caste* from the contact of unprivileged associates. The hour of relaxation puts all men on a level; and the Bey sits down as quietly by the Caiquejhe, and the Effendi takes his place near the fisherman, as unmoved by the difference of their relative conditions, as though they had been born to the same fortune.

"There is something beautiful and touching in this utter absence of *self-appreciation*; they are singularly unobtrusive in their social relations; they do not seek to exhibit their moral attributes, and they practise daily those domestic virtues which grow out of the tolerance and kindliness of their nature, without troubling themselves to consider whether they do so at moments when they may become subject of comment.

"Thus it is that they have never been supposed to feel, or feeling to encourage those minute but multitudinous social courtesies, which, if each amount not in itself to a positive virtue, at least is a part and parcel of one, and lends itself to the completion of an aggregate that well deserves the name."



So much for their *vanity, self-conceit, self-appreciation, &c., &c.*

But we cannot satisfy ourselves by merely bringing forward, face to face, such opposing statements, and allowing contradictions to neutralize one another, or showing merely, from Miss Pardoe's own words, the flimsiness of the hasty and crude conclusions which the feelings of the moment often imposed upon her. Such negative testimony will not content us. We feel it our duty, by adducing positive and incontrovertible evidence, to establish the fact, that the Turks are entered on a career of improvement which is dictated and guided by the spirit and voice of the nation, and that the Sultan is but the instrument and the agent of public opinion in every measure which any European, acquainted with the state of the social and political institutions of Turkey, would pronounce as salutary. It was only when, in blind imitation of the civilization of Europe, and in ignorance of the fundamental principles of his own country's laws, Sultan Mahmoud tried to force the customs of the West on the people of the East,—tried to engraft the thorn on the olive, and expected it to produce fruit,—that his subjects raised the threatening voice of discontent, and taught him to feel, in the loss of his finest provinces, the danger of rash and heedless innovation,—*but not of reform.* While facilities exist in Turkey for repealing every abuse, and for extending the benefits of the free and liberal institutions of the land to meet the wants and feelings of every locality and community, untrammelled by the distracting theories and interests of parties, these very facilities are a check on the wanton and inconsiderate adoption of customs which may, at first sight, appear advantageous, but which soon prove that they are totally unsuited to the state of society in Turkey. All the improvements and discoveries that art and science are capable of developing,—all the virtues that moral philosophy is able to attain,—all the ameliorations that learning and education can confer,—all the refinements of social life,—Turkey not only is not opposed to receive from us, but loudly hails their importation on her shores, and demands them of Europe with a voice which nothing can stifle. In the introduction of all these improvements the Sultan has met with cordial supporters in the nation. It was when he went a step

beyond, and endeavoured to impose on the East the *defects* of Western civilization, that his people proved to Europe their good sense, by resisting the destructive scheme. In a nation where general and individual interests are so simple and uncomplicated, the mass of the community decides easily and justly on the merits of every act of the Government which can affect these interests. An ill-judged measure of policy is at once felt to be so by every community in the empire, and instantly resisted, as every wholesome act is immediately appreciated and received gratefully.

To prove this, we have only to take a short review of the reforms of Sultan Mahmoud.

Sultan Mahmoud's fame in Europe rests chiefly on his successful struggles with the Janissaries, and it is the fashion to regard the destruction of that body as his individual act,—in which he was opposed by the nation, and by which he became an object of hatred and fear to all the Turks. To this deed and to the measures of reform which followed it has generally been attributed the unpopularity of the Sultan; and while he has met with our well wishes and sympathy, we looked on his people as enlisted against his attempts to regenerate his country, and have at once laid them down as a nation wedded to every abuse which time and custom had consecrated. We shall therefore examine how far this is a correct estimate of Turkish character, by taking a review of some of the most striking reforms which have been effected within the last few years in Turkey, and how far these measures have met with the sanction of the people. In this sketch we hope we can satisfactorily prove, that the Turks are not those blind bigots and fanatics that would resist every improvement, and those fatalists that would fall back on the all-sufficient decrees of fate to reconcile them to every abuse, and to deprive them of every energy and desire for a change. We shall see that the nation has spoken its feelings through the Sultan, and that, in every measure, which any European acquainted with the best interests of Turkey would pronounce wise and desirable, the Sultan has not only received the sanction of the people for its execution, but has acted as the tool of public opinion.

When the Janissaries mutinied and demanded the heads



of the ministers, the Sultan immediately appealed to the citizens. No sooner was the standard of the prophet unfurled, and the faithful invited to follow their sovereign as volunteers against the revolted soldiery, than that invitation was answered in a few hours by a force in arms ready to extirpate, at once, a body whose doom had been pronounced by the nation, and ready to die around their chief in defence of his throne and of those opinions which he had declared in regard to the regeneration of his country. The success that attended the Sultan in this dreadful conflict was hailed as a national blessing. Yet the Janissaries, tyrannical and unprincipled as they were, represented, on many points, the dearest rights and prejudices of the people, and acted always as a check on any Government that attempted to interfere with interests which they cherished in common with the nation. They enforced perfect freedom of commerce, left the natural channels of exchange perfectly free, "insured the impossibility of local taxation on the part of the Sultan, inviolability of local customs, appropriation of charitable and other funds, succession of property, decision of voluntarily elected judges, of church administrators in spiritual matters, and in several important civil functions immediately vested in the elected dignitaries of the various persuasions\*."

The corps of the Janissaries was not that unmingled evil which we are apt to consider it, and might well have been allowed to exist by a nation less intent on reformation than Turkey, without meriting that character for attachment to error which we have so unwarrantably bestowed on the Mussulmans. But if the Janissaries had many virtues in the eyes of their countrymen, they had an overbalancing amount of vice; and the nation felt, that though they insured them the observance of many valuable rights and customs, yet any material advance in the reform of their country was incompatible with their existence, and they pronounced upon them that sentence of annihilation which they helped the Sultan in carrying into execution. If this great event in the history of Turkey had been the individual act of the Sultan, in opposition to the feelings of his subjects, and if the Turks had

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\* England, France, Russia and Turkey, 5th edit.



traced to it, as some travellers assert, their national misfortunes, nothing could have been easier, on more than one occasion, than for the people to have revived the order of the Janissaries. But amidst all their reverses, when the empire appeared tottering to its centre, not a voice was raised, in all the Sultan's dominions, in favour of that devoted body. If there yet remains, in a single community of the Ottoman empire, any sympathy for the Janissaries, any desire for their re-appearance, Russia would have developed it into action in the ceaseless efforts which she made in Asia and Europe to rouse up the people to demand their re-organization. She felt that the revival of this body would check the career of improvement on which Turkey has so vigorously entered, and which she has already experienced to be a greater barrier against the accomplishment of her projects, than the futile or *pretended* animosity of all the Cabinets of Europe. Though these efforts were made at a time when the Sultan could not offer any effectual resistance to a national outbreaking in favour of the Janissaries, when success must have attended the faintest demand for their re-establishment, Russia completely failed, and learned a lesson which England has been slow to understand,—that the Turks and their sovereign were united in their determination to eradicate abuse.

In the remote and almost unknown province of Lazistan, a system of feudalism had gradually sprung up under powerful chiefs, known by the title of Derè Beys. Setting aside the authority of the Sultan, and subverting the municipal institutions of the country, they declared themselves independent princes, and levied taxes. They met but weak opponents in the Pashas, who came from time to time to exact their extortions and to alienate the good will of the people. In one of their strongholds they had drawn around them upwards of 15,000 men, with whom they resisted the attempts of the Government to reduce them, unsupported as it was by the inhabitants; and many of them were open partizans of Russia. About this time the Sultan was busied in promoting the work of reform throughout his provinces, as regarded the appointment of the Pashas and the improvement of the social condition of his subjects.

"A great amelioration took place in the general administration of the

Pashalic of Trebizond, in which Lazistan was included; the Pasha was disgraced, and ordered to Constantinople; he was then re-appointed, and on his return a total change was observed in his conduct and administration. As the strength of the Derè Beys had always been in the weakness and mal-administration of the provincial governors, this change instantly blew into a flame the disaffection of the Lazes to their hereditary chiefs; these had however numerous partizans; they assembled troops. Yousji Oglou, the most powerful of them, had constructed at once a fortress and a palace at Bizeh, and had collected 15,000 men. Achmet Pasha, the Kiaya of the Pasha of Trebizond, was sent against him with, as he says, 7000, or as the Lazes themselves say, 1500 men. *One shot alone was fired.* Yousji Oglou's men dispersed instantly, or joined the Sultan's troops. He himself was taken; his castle, so extensive that it required the daily efforts of 500 men during a month to overturn it, taken; and the other chiefs dispersed to maintain themselves as long as possible in their holds; but they were everywhere pursued by the indignation of the people; and notwithstanding there was not at the disposal of the Pasha force sufficient, unassisted, to have reduced one of them in his stronghold if properly defended, yet in four months not one remained."

"There is perhaps no district in any country, Servia excepted, where greater contentment prevails at this moment, or greater devotion to their sovereign; and the motives are self-evident—the old abuses have been swept away, and the new ones have not been introduced.

"Lazistan is a sample of the feelings that would at this moment animate and connect the whole empire, if the Sultan had felt what he could make of his empire after he had destroyed the Janissaries."\*

This instance, and we could multiply similar ones, is not a great proof of the opposition of Turks to change,—of their love of the *status quo*—and of their hostility to the Sultan's reforms.

If the Turks were the creatures of habit and time, and if usage constituted law in their estimation, we should find them perfectly enamoured of the mode of appointing their Pashas, which before the present Sultan corrected it, had prevailed in Turkey from time immemorial. In those halcyon days of Turkish glory the province was set up for hire to the highest bidder; the successful candidate was sent to his Pashalic with almost full powers to make the inhabitants committed to his care disgorge as much of their money and other property as force or cunning could squeeze out of them. The Porte received the stipulated sum from its nominee, and in-

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\* England, France, Russia and Turkey.



quired not how it was procured. To such a pitch was the tyranny of the Pashas carried, that many districts offered the Sultan to pay directly into the royal treasury more than three times the nominal sum demanded of them as taxes, provided the money might be collected by an officer named by the Porte, and totally distinct from the Pasha.

This is not the place to enter on the state of misery which the system gave rise to : it is sufficient to state that the great bulk of the distractions and misfortunes of the country flowed from the rapacity of the Pashas. Within the last four years, at the advice and instigation of one of our own countrymen, whom it is unnecessary to name, this state of things has been very generally altered ; the Pasha is now a salaried civil and military judge ; a treasurer from the Porte accompanies him to his Pashalic, and receives directly from the communes the amount of their contributions ; the Pasha is personally uninterested in the revenue of the district. The result is highly gratifying—the people contribute a fixed and a higher sum to the state, than the former *nominal* one, but in reality much less than what the rapacity or caprice of the Pashas extorted from them ; the treasury has greatly increased in its receipts—the subjects of the Porte contribute less—the Porte receives more.

“ The revenue compared with former periods is reduced by the defalcation of the tribute of Greece, of Moldavia and Wallachia—of Albania for many years—of Servia and Bosnia—Egypt, Syria and Candia—of Bagdad and of the Pashalic of Erzerum, Kars and Akhalsich—which have scarcely paid anything to the Porte since the Russian war. The regular expenditure, on the other hand, for the army, navy and administration, has been gradually increasing, and has doubled within the last eight years. This year (1835) there has been a very considerable extra expenditure, yet we have ground for asserting that there is a larger surplus of revenue over expenditure than has been obtained for a century.”

These facts are adduced by the author of “ England, France, Russia and Turkey,” to prove the increased production and consumption, which must however have resulted from an improvement in the social condition of the people,—the direct and natural result of the administrative reforms of the Sultan.

It would be an easy and agreeable task to bring forward numerous proofs that the administrative reforms of the Sul-



tan have met with support and gratitude from all classes of his subjects; and that he carries along with him the opinion of the whole empire, in all the changes which an impartial judge would declare wise and desirable: that he has unfortunately endeavoured to introduce innovations which were totally unfitted for the nature of Turkish character, we readily admit; and that the Turks have uniformly opposed such ruinous projects, we also admit and rejoice at.

Turkey is not divided into two or more parties diametrically opposed in opinion on the best interests of the country; a measure is felt by every individual, not a member of the Divan, to be either just or otherwise, and it is at once treated as it deserves—received or rejected. While the Sultan therefore continues to act in consonance with the true interests of the empire, his acts will be hailed and promulgated by his subjects, and he will meet but with one party—that of justice.

When we consider the misfortunes which Turkey has had to contend with for the last twelve years, and think for a moment on the strides she has made in reform,—instead of setting down the Turks as the violent opponents of progress, which our authoress represents them, we confess that we should pronounce them as diametrically the reverse.

An ancient soldiery, with whose existence and exploits were associated the proudest recollections of Turkey, has been destroyed; a very large military force, upwards of 100,000 men, is established and trained in *European* discipline; a large navy is afloat, consisting of some of the finest vessels in the world, built by foreigners; military schools are established in almost every barrack, where the pupils are rewarded by commissions according to their merit, and where merit is the only road to honours.

A medical school, under able professors, is instituted in Constantinople, on the very best principles, combining practice with theory; the Pashas, instead of being sent to the provinces as formerly, in the character of *Farmers-General*—with liberty to make their charge as profitable as extortion and the dread of the bow-string could make it,—are now paid a salary, and vested only with the powers of civil and military judges, not of revenue officers. The power of death has been taken away from every functionary, and no punishment can

be now inflicted without a sentence from an impartial and independent tribunal of judges specially appointed.

"I will take your head off," was formerly a familiar phrase in the mouth of the provincial Governor;—the expression, if used now, would call forth a laugh.\* A newspaper, conducted by Europeans and natives, is weekly published, in which the edicts of the Government are discussed; and such is the effect of this publication on the people and rulers, "that a few lines of praise or blame in this paper have an effect on men in Turkey, which we can with difficulty conceive, living as we do, in a country where the fountains of right and wrong are almost broken up by party dissensions†." Roads are in course of construction from one end of the empire to the other, and carried on with an activity that would surprise Mac Adam. The police is merely for preserving order, totally unconnected with political espionage, and is almost confined to the Christian quarter of the cities. To crown all, the Sultan has reformed his household, and has carried his retrenchments so far, that we are afraid of enumerating them, after the late debates on the Pension-list in the Parliament of England.

In an account of a most sweeping reform in the *functions of the Divan*, by which he has reduced the expenses of his court from twenty-four to seven millions of piastres, the Sultan thus announces to the nation his reasons for the change.

"It was indispensable that some of these offices should be entirely suppressed, and others considerably modified, so that to each appointment in the different ministerial departments there should in future be attached an effective labour," (no sinecures, in other words,) "and consequently a remuneration appropriate to the rank and the support of the person filling it."—*Moniteur Ottoman*, Jan. 17th, 1834.

The same rule was applied to the administration as to the household, and the abolition of offices has been carried on in a most Radical spirit.

A national militia has been set on foot, and has answered all the expectations formed of it: the Sultan, secure in the affections of his people, and dreading the depopulating effects of keeping up a standing army, and the injuries it would inflict on agriculture and commerce, hesitated not in placing arms in the hands of the yeomanry of the empire, and in the

\* Opinions on the Eastern Question.

† Ibid.



following words proclaimed to the world a refutation of the idle and oft-repeated cant of his having rendered himself unpopular by his reforms:—"To relieve the people from those heavy burdens, to prevent disastrous depopulation, and at the same time to insure the integrity of the Ottoman territory by an imposing number of able and well-disciplined troops, his Highness wishes that every Mussulman in the vigour of life should be instructed in the use of arms and military exercise—devoting to those exercises only his intervals of leisure, without quitting his native town, and without renouncing the labours of his profession." This measure has had the best effect; a standing army is as much opposed to the feelings of the Mussulmans as conscription and a press-gang can make it,—and in this respect at least, they resemble their western neighbours.

With these observations we dismiss Miss Pardoe's unmerited criticisms on the Turkish administration and the Turkish people. She considers it a matter of good taste, and perhaps of wit, to ridicule the character of the Sultan. In every sentence of her work where the name of that remarkable man is mentioned, we find it coupled with some epithet or observation which cannot fail to leave on an European mind the impression of his being a silly, conceited and debased fool—a thing of "rags and patches" as she courteously denominates him—whose time and thoughts are chiefly taken up in painting his face, cropping his beard, and ogling the fair Europeans whom chance throws in his way; we have said enough to show that he is a far different character. If he is unpopular in any thing, it is in promoting some European innovations which would be most destructive to the interests of his country, and exactly the very ones which our Authoress, *et id genus omne*, would approve.

The indolent disposition of the Mussulmans—the apathetic and venal nature of the Divan—the hatred of the Rayahs to the Porte—the degraded state of the Empire, and the radical incapacity of the Turkish people for making those strides in civilization which she represents the Greeks as actively engaged in, are statements which do not surprise us any more than her encomiums on Logotheti and all the other hirelings who graced the Russo-Greek fêtes and ceremonies at the Fa-



nar,—when we recollect that from the first day of her landing at Galata, until she left Constantinople, her associates and bosom friends were that very Russian party. In all her opinions, in all her observations, even when made against the emissaries and policy of the Czar, any one conversant with the bait thrown out by the cabinet of St. Petersburg to catch the unsuspecting gulls of England and of Europe, will have no difficulty in tracing them to their proper source. But that she should justify her assumed title of “the faithful and honest Chronicler of Turkish life,”—living as she did, in an atmosphere where few of the feelings of the Mussulmans could penetrate,—would be placing her above the frailties of human nature.

Not satisfied with informing her readers of the capture she made of the poor Sultan’s heart one fine morning at a procession, she also entertains them with an account of her influence over the whole body politic of the Divan, in a conversation she had with the Minister for Foreign Affairs—the Reiss Effendi. After sundry compliments paid to the young lady, he said, “Were you at liberty to select the next Turkish Ambassador to England, tell me frankly, whom should you choose?” Miss Pardoe answered, “Redschid Bey, the present minister at Paris;” and then she tells the Reiss Effendi the fact (which of course she was very competent to do) that, “had the Sublime Porte sent Redschid Bey to London a few years ago, *the English* would have had a more exalted opinion of its diplomacy than they have now.” “Little did I imagine, when I thus undisguisedly gave my opinion of the Turkish minister Youssouf Pasha, that the firman would be *soon* despatched which contained his transfer to the court of England;—and I was not a little amused when I was told, some time afterwards, that the Reiss Effendi, in giving the information of Redschid Bey’s arrival in London to a friend of mine,” added, with a quiet smile, “You may as well tell your Frank friend that the new Ilchī is in England before her. She will perhaps be glad to hear that he is the individual whom she would have herself selected.”

Miss Pardoe’s pet sin is an inordinate ambition for a bombastes-furioso sort of style; once fairly started, there are no limits to the extravagant nonsense which she puts on paper,

in this respect. Rivers, stars, dreams, moons,—every department of nature and art, in short, is pressed into her service to furnish the most far-fetched metaphors that poor brain was ever tortured to invent. We select a few passages from a chapter concerning the marriage festivities of the Sultan's daughter. She takes for her model a letter addressed by the Seraskier to the Sultan, in gratitude (pretended, says she) for some honour conferred on him by his Imperial Master.

"Your sublime favour has been as a southern sun, piercing even into the remote corner of my insignificance! Had I all the forest boughs of the universe for pens, and the condensed stars of Heaven for a page"

—(stars are nothing,—mere points and commas; we advise "the whole firmament" in her next edition)—

"whereon to inscribe your bounties, I should lack both space and means to record them."

We remember certain lines very like this poetic epistle of old Koshrew, but we cannot recollect who the author was; perhaps Miss Pardoe's informant could tell. The lines run somewhat thus:

"Could we with ink the ocean fill,  
Were Earth of parchment made,  
And every single stick a quill,  
Each man a scribe by trade;  
To write the praise of half the sex  
Would drink that ocean dry,"  
    &c. &c. &c.

"In this style" (of the letter) "should he or she who undertakes to become their Chronicler *shape the period* in which are detailed the marriage festivities of the Princess Mihirmâh. The pen should be tipped with diamond dust, and the paper powdered with seed-pearls. All the hyperboles of the Arabian story-tellers should be heaped together, as the colours of the rainbow are piled upon the clouds which pillow the setting sun; and as the gorgeous *tail* of the peacock serves to withdraw the eye from its coarse and ungainly feet, so should the glowing sentences that dilate on the glories of the show, veil from the vision of the reader the paltry details that would tend to dissolve the enchantment."

Miss Pardoe sticks to her intentions, and gives us little, at least in this chapter, except glowing sentences, "gorgeous tails" of Pashas and commanders, and a full blaze of "colours of the rainbow:"—the following quotation would do honour to the high priest of fire worshippers, and we seriously recommend it to the attention of Moore;—in another edition

of Lalla Rookh he might find it full of good hints for Gheber prayers. It was called forth on witnessing the illuminations of the marriage fêtes.

“ And now, ye Spirits of fire, who guard the subterranean flames which are only suffered to flash forth at intervals from the crater of some fierce volcano :—ye, whose brows are girt with rays of many-coloured radiance, whose loins are cinctured by the lightning, and whose garments are of the tint which hangs like a drapery over the cineritious remnants of a conflagrated city :—ye, who must have left your lordliest pageants over-matched, *lend me a pen of fire,*”

—(and in mercy to her fingers, we hope when they hear and grant her prayer, they will also let her borrow a pair of Asbestos gloves,)—

“ drawn from the pinion of your bravest sprite, and fashioned with an unwrought diamond !” &c. &c.



## ARTICLE IV.

*State means of employing labour, and promoting industry in Ireland.*

WE have in our preceding numbers advocated the introduction of a Poor-Law into Ireland as a first step in the progress of improvement. It will, we feel satisfied, produce peace—peace industry; and industry in Ireland must precede and invite English capital. But Ireland, herself, has not enough of means and stimulus to produce the necessary degree of active industry. The action of the government will therefore be necessary in the first instance to give the impulse.

A good system of internal communication by means of canals and roads is one of the most powerful engines of prosperity, and this is a work which, where other means do not exist to effect it, the government is called upon to undertake. It has been urged,—and England has been referred to in proof of the soundness of the theory,—that the construction of works for the benefit of the public may be safely left to private projectors, because private interest calculates with the greatest accuracy the works most likely to prove successful speculations; that it is the duty of a government to regulate and control, rather than to originate such undertakings; that if such works be not the object of private enterprise, it is a proof that they are not likely to prove remunerative undertakings; and that to apply capital to their construction must be injurious to the community, by withdrawing it from productive circulation: that, moreover, the experience derivable from the prosecution of public works in Ireland does not hold out any inducement for adopting a different line of policy with respect to that portion of the empire.

This may be a proper rule with respect to a highly cultivated and prosperous country like England; but it cannot be applied generally; and especially, it cannot be applied to Ireland. The great natural capabilities which that country presents remain undeveloped—her numerous rivers unnavigable—canals and roads unfinished—railroads projected,—but with one exception, unconstructed; and all this has been the disastrous result of applying to Ireland the principle, that

national works, which private projectors do not consider it their interest to undertake, ought not therefore to be undertaken by the state. The experience of ancient and modern times sufficiently attests the fallacy of this principle. Almost all the great public works of antiquity were constructed at the expense of the Prince, or the State; the importance of leading lines of communication by means of roads and canals was fully understood at a very remote period, and these were in all civilized states an especial object of public attention.

Herodotus relates, that the Cnidians, a people of Caria in Asia Minor, had undertaken to make a canal through the Isthmus which joins that peninsula to the continent, but the oracle interdicted it, and they were superstitious enough to give up the undertaking. If this had happened in modern times, we should have shrewdly suspected that the oracle was a political economist, and had given a voice against the work because it was proposed to be undertaken at the expense of the State. The numerous canals in Egypt which can yet be traced, although they are in a great measure filled up by the sands of the desert, attest how much the commercial greatness of that country depended on its means of internal transport. Several of the Egyptian kings attempted to unite the Nile to the Red Sea by a navigable canal. This great work was begun by Necos the son of Psammeticus, and completed by the second Ptolemy\*. It is now difficult to discover the least traces of it.

There is no country of the world where the advantages of canals have been so much appreciated, not even excepting Holland, as in China. The rivers that intersect that empire all intercommunicate by means of canals, and floating cities are there to be found inhabited by multitudes who dwell upon the waters. The grand canal can only be equalled as an example of human labour by the great wall in that empire, and is the most stupendous work of the kind that ever has been executed†. Raynal thus describes the labours of the

\* Diodorus says that Darius was prevented from completing it, owing to the greater height of the Red Sea; but that the second Ptolemy obviated this objection by means of sluices. (l. 33.) This canal was opened under the Caliphate of Omar, in (A.D.) 635.

† This canal is described in the Chinese annals, which, if they were not the most matter of fact people in the world, might well be doubted, to have occupied the labour of thirty thousand men during forty-three years.



Chinese in the formation of the canals, roads and bridges which traverse and adorn their Empire. "Les Chinois ont  
 "répoussé, contenu, maîtrisé l'Océan, comme les Egyptiens  
 "domptèrent le Nil. Ils ont rejoint au continent des terres  
 "que les eaux en avaient séparées. Ils luttent encore contre  
 "ce mouvement supérieur, qui, tenant au système des cieux  
 "chasse la mer d'orient en occident. Les Chinois opposent  
 "à l'action de l'univers la réaction de l'industrie; et tandis  
 "que les nations les plus célèbres ont secondé par la su-  
 "reur des conquêtes les mains dévorantes du temps dans  
 "la dévastation du globe, ils combattent et retardent les  
 "progrès successifs de la destruction universelle, *par des*  
 "*efforts qui paroîtroient surnaturels, s'ils n'étoient continuel*  
 "*et sensibles\*.*"

The Greeks, who received their knowledge of arts and commerce from the Egyptians and Tyrians, and who, improving upon the models that had been handed down to them, advanced both arts and industry to such great perfection, conceived and attempted to execute the magnificent design of making a navigable passage from the Ionian Sea into the Archipelago, by cutting a canal across the Isthmus of Corinth. This was afterwards attempted by Julius Cæsar, but without success, the failure in both cases most probably arising from ignorance, at that period, of the use of water locks. The Roman Emperor did succeed, however, in works of perhaps greater benefit to the Roman people, —the construction of a fine port at the mouth of the Tiber, and the draining of the Pontine marshes. Drusus, who achieved such victories upon the Rhine in the time of Augustus, and who carried his conquests as far as the Elbe, had a canal cut from the Rhine to the Issel, and formed, as we are told by Pliny, a new mouth from the Rhine to the sea. A canal between the Rhine and the Maese, supposed to be that now commencing at Leyden and passing Delft to its junction with the Maese at Sluys, was also made by the Romans. Strabo states that several were constructed in Bœotia for drawing off and keeping at certain levels the waters of Lake Copais; and it is said that 30,000 men were employed du-

\* *Histoire Philosophique, &c., liv. I. p. 102.*



ring twelve years in making the canal from the Fucine Lake (now Lake Celano) into the river Liri. This still exists, and is found most useful in draining off the waters of the Lake, and keeping them at a fixed level; the purpose for which it was originally intended.

But it was by bending nations under the same yoke, and not by uniting them with the bonds of commerce, that the Romans sought to extend the communications of men. Their canals (with the exception of those used for the purposes of draining) were like their roads, formed for military purposes.

The latter are surprising monuments of skill and labour. They issued from the Forum at Rome, traversed Italy, and pervaded the provinces to the most remote bounds of the empire. The line of communication from the wall of Antoninus to Jerusalem was estimated at the length of four thousand and eighty Roman miles\*. The public roads ran in direct lines without regard to natural obstacles. Mountains were cut through, and arches thrown over the broadest and most rapid stream†. These roads were composed of sand and gravel, which were combined with cement that became in time as hard as flint. They were raised in the centre and paved with large stones‡. The rapidity of travelling on them by means of posts established at short stages of five miles, at each of which forty horses were constantly in readiness, was as great as horse power could make it§. These posts were imperial, but private citizens were sometimes honoured with an order for their use. In the time of Theodosius, Cæsarius, a magistrate, posted in this manner from Antioch to Constantinople in five and a half days, the distance being 725 Roman, or 665 English miles||. This indulgence was however rare;

\* The following Itinerary may serve to convey some idea of the direction of the road, and of the distance between the principal towns. From the wall of Antoninus to York, 222 Roman miles; London, 227; Rhutupia or Sandwich, 67. The navigation to Boulogne, 45; Rheims, 174; Lyons, 330; Milan, 324; Rome, 426; Brundisium, 360. The navigation to Dyrrachium, 40; Byzantium, 711; Ancyra, 283; Tarsus, 301; Antioch, 141; Tyre, 252; Jerusalem, 168: in all, 4030 Roman, or 3740 English miles. See Itineraries published by Wesseling, and his annotations; Gale and Stokely for Britain, and M. d'Anville for Gaul and Italy.

† Montfaucon, *l'Antiquité expliquée* (tom. iv. p. 2. l. i. c. v.), has described the bridges of Narni, Alcantara, Nîmes, &c.

‡ Bergier, *Histoire des grands chemins de l'Empire Romain*, livre 2. c. 1-28.

§ Procopius in *Hist. Arcana*, c. 30. Bergier, *Hist. des grands chemins*, lib. iv. *Codex Theodosian.* liv. viii. tit. 5. vol. 3. p. 506-563, with Godefroy's Commentary.

|| Vide Libanius, *Orat.* 22; and the *Itineraria*, p. 572-581.

for we find Pliny, although a minister, apologizing for granting the use of the posts to his wife on business of importance to the state\*.

Into England, France and Germany the Romans introduced, with their arms, the models of internal communication, upon which these countries have generally improved, while they have converted them to a purpose nobler than conquest,—the interchange of the productions of labour.

France took precedence of England by more than a century in public works.

The canal of Briare, (so called from commencing at that town in Burgundy) connecting the rivers Loire and Seine, was begun in the reign of Henry the Fourth, and finished under the direction of Cardinal Richelieu, in the reign of Louis the Thirteenth.

The canal of Orleans, forming another communication between these two great rivers, was begun in 1675, and finished by Philip of Orleans, Regent of France, during the minority of Louis the Fifteenth. But the greatest and most useful national work in that country is the canal of Languedoc, which unites the ocean to the Mediterranean. It was undertaken by Louis the Fourteenth, and the expense of the work defrayed in a great measure from his own resources; planned by the celebrated engineer Francis Riquet, in 1666, and finished within a period of fifteen years. It is remarkable for having been the first canal on which tunnels were used†.

Russia is a remarkable example of enterprize in works of a like description. Since the reign of Peter the First constant

\* Epistle x. 121-122.

† This great work begins with a large reservoir 4000 paces in circumference, and twenty-four feet deep, which receives many springs from the mountain Noire. The canal is about sixty-four leagues in length, is supplied by a number of rivulets, and is furnished with 104 locks, of about eight feet rise each. In some places it passes over bridges of vast height; and in others it is cut through solid rocks for about 1000 paces. At one end it joins the river Garonne near Thoulouse, and terminates at the other in the lake of Tac, which extends to the port of Cette. It has a large tunnel cut through a mountain in the neighbourhood of Belgiers.

Lord John Russell has noticed this canal in the following terms:—"To Colbert France is indebted for one of her noblest public works—the canal which joins the Mediterranean and the ocean. He adopted and executed a project first broached during the reign of Francis the First, and renewed under that of Henry the Fourth. Much discussion has taken place on the question to whom is due the credit of the execution; but be that as it may, it is impossible to deprive Colbert of the glory of having undertaken the work, and appropriated funds for its completion."—*Peace of Utrecht*, vol. i. p. 167.



efforts have been made to render the principal rivers and lakes of that country navigable, and for their intercommunication,—a difficulty rendered all but insurmountable by the cataracts with which the course of these mighty streams is impeded. Art has, however, triumphed in a surprising manner over nature; and a complete chain of water communication traverses that great empire from St. Petersburg to the Caspian Sea.

It would be tedious to refer to Holland—where an opulent state has been raised out of a marsh, by intersecting it with canals; to Germany—the Netherlands—or the other states of Europe, to prove, that to facilitate the intercourse between one district and another, to lessen the expense of carriage, and thus to develop internal wealth and distribute the productions of labour, has been a paramount object of concern to almost every state of ancient or modern times. We accordingly find that the government in each has applied the national funds to an extent that was only limited by the national resources,—for the purpose of constructing roads, making rivers navigable, cutting canals, and bringing art to turn to profit, and reduce to submission the channels which nature has supplied in a greater or less degree to all countries for the obvious purpose of intercommunication.

It is a singular circumstance, that notwithstanding the great natural means which England possessed for the formation of canals, from her numerous rivers and insular position, she was the last country in Europe to avail herself of her internal advantages. Her commercial operations extended to every part of the world; but while she wielded “*le trident de Neptune,—ce sceptre du monde,*” and filled her numerous ports with the productions of every country, her majestic rivers flowed idly to the ocean.

In the reign of Queen Elizabeth the learned and eccentric John Dee wrote a curious tract, entitled “*General and rare memorials pertayning to the Arte of Navigation,*” in which he laid down a plan of intersecting England with canals, and launched the bold project of forming a navigable internal passage from Newcastle-upon-Tyne to Carlisle, and through these towns to unite the German Ocean with the Irish Sea. He also recommended a canal from Southampton to London, to preserve ships from the dangers and delay of a coast passage.



The following is the line which he proposed for that purpose :

“ From South Hampton to Winchester.  
 From Winchester to Alresford.  
 From Alresford a cutt to be made to Alton.  
 From Alton to Godilmain (Godalming).  
 From Godilmain to Gilford (Guildford).  
 From Gilford to Cobham.  
 So into Old Thames.”

After urging the advantages of several other lines of inland water transit, he adds, “That all navigable rivers be putt to that use, and all mills and weirs upon them if not removed, then a passage to be cutt by them; that all rivers that are fitt for navigation be skowered and opened, and such cutts into other rivers bee made as will make them most profitable to the country and most communicable. *Those great expensfull works which the country is not able to wield to be done by the king himselfe, as opening of rivers, setting up the fishing, building of stone bridges, highways,*” &c.

The scientific knowledge of this singular man was greatly in advance of the age in which he lived, but his sagacity was strangely mingled with the prevailing follies of his time,—a passion for judicial astrology, the cabala, and the search for the philosopher’s stone. His reply to those who questioned his reveries, was “*Qui non intelligit, aut discat, aut taceat.*” At the accession of Elizabeth he was called upon by her council to consult the stars as to the appointment of a fitting day for her coronation, upon which subject he afterwards delivered a discourse. The Queen called him “*her Philosopher*,” and that she honoured him with her especial regard would appear from the following passage in a work of that period\*. “On September 17 (1580), the Queen came from Richmond in her coach, shee took Mortlake in the way, and seeing Mr. Dee at the door, beckoned him to come to her coach side, pulled off her glove, and gave him her hand to kiss; desired him to come oftener to court, and let her know by one of her privy chamber he was there.” The passages from his tract on navigation which we have quoted are in manuscript,

\* *Compendious Rehearsall*, ch. iv.

and difficult to decipher. It is addressed "To my very honorable frende, Syr Edward Dyer, Knight\*." It is worthy of remark, that his project of joining the German Ocean with the Irish Sea was commenced to be carried into effect *two hundred and twenty years* after the date of his tract, by the undertakers of the Ashton-under-Lyne Canal (commenced in 1792), one of the lines by which that great object has been attained.

Inland navigation made but little progress in England during the succeeding reigns of James and Charles the First. There is a curious account to be found in a pamphlet published in 1641, entitled "A designe for bringing a navigable river from Rickmansworth, in Hartfordshire, to St. Gyles in the Fields, and objections against it answered†," of an attempt made by Charles to appropriate to himself an enormous interest for granting letters patent to certain undertakers for raising the sum of £25,000 for the supplying London with water from "Hoddeston, in Hartfordshire." He agreed to grant these letters patent upon their contracting to allow him £4000 a year (*that is, 16 per cent. on the sum to be raised*) out of the profits. This contract was made under the great seal after "the king hearing the cause himself at the council table." M. de Boyes, "an expert German artist," took the levels; but it appeared that the undertakers deserted the work a little after it was begun, and applied to be freed from their securities. Mr. Ford the writer of the pamphlet was willing to pay the same interest for a similar sum, to be raised in like manner for his "designe," and answers the objections made to his undertaking it; namely, the insufficiency of his securities for duly performing the work, and "the spoyling of corn mills and paper mills," along the line. He is very indignant at these objections, especially as he states that "the business hath already cost him £100, and the very bill £24."

In the beginning of the Protectorate a canal was opened

\* Mr. Dec died in 1607, and left a cabinet filled with curiosities, many of them of his own invention. Casaubon printed a great part of his writings at London in 1659, in folio. This work is rare even in England. Two rolls presented by Mr. Dec to Queen Elizabeth, as to her title to countries discovered by her subjects in any part of the globe, are preserved in the Cotton Library. In Strype's Annals, vol. ii. p. 334-335, there is a letter from Lord Burleigh to his son Cecil, upon "Mr. Dec's Book for reforming the Calendar."

† By Edward Ford, of Harling, in Essex.



between London and Guilford, a part of the southern line recommended by John Dee. Francis Mathew, an engineer, at that period, who zealously advocated the promotion of inland navigation in England, describes it as "that late and happy navigation now opened between London and Guilford by a powerful Act of Parliament first obtained\*."

In alluding to the little that had been effected in this way in England up to his time, he states, "Our Henry the First cut a canal for the space of seven miles from Torksea upon the Trent, down to the citie of Lincoln, partly to facilitate his own removes, he being the first king who brought progressing into fashion, so making the people equally participant of him, that they might see and know him better by himself than by his picture; the first president I have found in England of joyning rivers for navigation†." This is an error into which he was probably led by Camden. It is now admitted that the canal from Torksey to Lincoln, called the Foss-dike, was executed by the Romans, as a continuation of Caer-dike also executed by them, from the river Nene near Peterborough in Northamptonshire, to the river Witham below the city of Lincoln, and that it had been only scoured in the reign of King Henry†. Mathew had a design of making a canal from London to Southampton, and also to the Bristol Channel; his address "to His Highness Oliver Lord Protector," &c., is

\* "An opening of rivers for navigation; the benefit exemplified by the two Avons of Salisbury and Bristol. London, 1636."

† Idem.

‡ Camden quotes Hoveden, who copied Simeon Dunelmensis. The passage of the latter runs thus:—"Eodem anno 1121, Henricus rex, facto longa terre intercessionem fossato à Torksie usque Lincolniam per derivationem Trentæ fluminis fecit iter navium."

Dr. Stukely, in his "Itinerarium Curiosum," says, "The village of Torksey was a Roman town built at the entrance of the Foss into the Trent, to secure the navigation of those parts, and as a storehouse for corn, and was walled about." Leland states that "The Fosse dicke begynneth a quarter of a mile from Lincoln, and so goeth to Torksey a seven mile start in length. Bishop Attwater began to cleanse Fosse dicke, and did so half its length from Torksey in hope to bring vessels to Lincoln, but on his death it was neglected." Priestley, in his account of the rivers and canals of Great Britain, states that the Foss-dike is several feet above the level of the Trent, and that the account in Camden could not therefore be correct. In Domesday Book it is recorded that Torksey was a considerable place before the Norman Conquest, with two hundred burgesses who possessed many privileges, on condition that they should carry the king's ambassadors, as often as they came that way, down the Trent in their own barges, and conduct them to York; and that the King's Monetarii at Nottingham had in the reign of Edward the Confessor the care of the river Trent and of the Fosse dike, and of the navigation thereon. Edward died in 1066.



quaint and sagacious. We quote the following passages from it, as they appear very pertinent to the object of our present labour.

"I intend," he writes, "to place our citie of London, the Queene of Trade, as a pretious diamond in the middle of this golden ring, making her the sole Emprasse of all this our Island, and circular commerce from one end of the land to the other. \* \* \* Navigable rivers, the more places of note they pass by the more they take up or bring—still gleanng one commodity or other from the soil they pass through—and are supplied by every town they touch at with employment. The more such navigable passages should meander and winde within the land, still would the benefit more and more arise. In these papers we are not to reflect upon this island as capable of such waterings as the flat Netherlands, whose benefits may seem to allure us to the like industry. Nevertheless England's fair valleys and rich inlets, through which many noble rivers insinuate themselves, might, with the imitation of the industrious Netherlanders, be made in many places docile of navigation, to the inestimable comfort, satisfaction, ease and profit of the public. The objections of the differences of soyle must not deter us from so advantageous an enterprize—there wanting thereunto nothing but a *powerful undertaker*. And since the word undertaker hath fallen from my pen, it must pass for a principle with me, that such great and public works are not to be attempted by private men or any particular corporation. *But most fit it is even that the state itself should be the sole undertaker*, performing all at its own proper charge, and so may justly settle upon every such passage, a revenue to the Commonwealth for ever; it being a known maxim, that *by what the people, by the same the Government groweth rich*. Can anything," he adds, "of this nature seem difficult to a state resolved to do good to its people? Difficulties are the boundaries of narrow hearts—such is not the heart of a state!"

After describing the saving that canals would make in the keeping of horses, he adds, with characteristic simplicity,

"I confess I have a compassionate eye upon the poor waggoners who in the summer time, when our highways were pleasant, should not have wanted employment at least, between Calne and London\*."

The great advantages likely to arise from the employment such works give to the people is well described by an anonymous writer of the period. His remarks would almost appear, like the passages we have quoted, to have been written in reference to Ireland.

"People too numerous for the place that bred them become from want of employment poor and consequently discontented, restless and unquiet. But the poor and idle being put upon a full employment,—which mutually advancing each other,—the employment first begetting wealth and then

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\* Opening of Rivers, &c. London, 1656.

that wealth a greater employment, shall establish what art could never yet find out, nor nature in particulars did ever yet perpetuate—a *constant motion, excited by itself, and by itself continued and advanced*\*.”

In the reign of Charles the Second we find not only that nothing had been done to open any new lines of inland navigation, of which the country had for a long period sensibly felt the want, but that the canals cut by the Romans, to which we have referred, were suffered to fall into decay. In the preamble to an Act passed in 1671 (22 and 23rd Charles II.), it is stated “That whereas there hath been for some hundred  
“ of years a good navigacion betwixt the burrough of Boston  
“ and the river of Trent, by and through the citty of Lincolne,  
“ and thereby a great trade managed to the benefitt of those  
“ parts of Lincolnshire and some parts of Nottinghamshire and  
“ Yorkshire, which afforded an honest employment and live-  
“ lyhood to great numbers of people. But at present the said  
“ navigacion is much obstructed and in great decay, by reason  
“ that the rivers or auntient channells of Witham and Foss-  
“ dike, which runn betwixt Boston and Trent, are much silted  
“ and landed up, and thereby not passable with boats and  
“ lyters as formerly, to the great decay of the trade and inter-  
“ course of the said citty, and all market and other towns  
“ neare any of the said rivers which hath producet in them  
“ much poverty and depopulation.”

In the reign of Queen Anne the want of inland water transit was equally complained of, and yet no effort was made to remedy the evil. In the preamble to an Act passed in that reign for imposing a duty upon hawkers and pedlars, a class of industrious people who traded throughout the provincial towns in England, and who were called into existence by the absence of any great lines of communication whereby the towns and the agricultural and manufacturing districts could reciprocally supply each other's wants, we find it set forth†, that “whereas several doubts have arisen touching traders in  
“ the woollen or linen manufactories, who trade by wholesale,  
“ and set many thousands of poor to work; and yet for  
“ want of the convenience of water-carriage are obliged to  
“ send their goods when made by horses and otherwise to

\* *Avons; a tract.* London, 1675.

† 3 and 4 Anne Regium.



"the public markets or fairs and other places," &c. This state of things, so destructive to the best interests of the people, and so disgraceful to their rulers, continued up to the period of the passing of that memorable Act, which enabled an individual (the Duke of Bridgewater) to give the first great impulse to the progress of industry in England, which from that period has made such rapid strides, and which is every day developing and diffusing sources of wealth, and advancing the physical and moral condition of society.

The first Act enabling the Duke of Bridgewater to make a navigable canal from Worsley to Manchester was passed on 22nd of April, 1737. A few years before the passing of that Act, a publication of the day, directed like the Statutes of Anne, against chapmen and pedlars, shows the nature and effects of the sole means of transit which then existed. The writer states, "the manufacturers everywhere in the country will send their goods to London, because here their carriers can have a back carriage, without which they cannot travel. The shopkeeper must have them from London, for if he would send to Sheffield or to Birmingham, he could find no carriers to bring them; and if they did, he had nothing to load them back with, so that the goods would cost double carriage\*."

England remained fully a century in the rear of European civilization with respect to its means of internal transport for the same reason that Ireland has remained two; namely, that the resources of the State, freely applied in nearly all the other countries of ancient or modern times to the promotion of this essential object, were withheld from England, and are still withheld from Ireland.

We need only refer very shortly to the causes of this neglect of the best interests of the people on the part of Government, to show that they were unjustifiable and cannot therefore properly be drawn into precedent.

An æra in English history commenced with the line of Tudor. Its avaricious founder,—whom Lord Bacon calls the Solomon of England, but adds, that "Solomon also was too heavy upon his people in exactions,"—filled his treasury by means of intolerable methods of extortion—the sale of

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\* A brief state of inland or home trade. London, 1730.



pardons—and of every office in his court. His accumulations, amounting to £1,800,000, he left to his not less covetous, but more dissipated successor. The demands made by Henry VIII. upon his parliament, his taxes upon property, and his forced levies, called, as might be supposed in irony, “benevolences,” were not less oppressive. The frugal Elizabeth did not ask many supplies from parliament. She sent privy seals to borrow money from those who possessed it, and *would by no means brook a refusal*; yet these loans were punctually repaid. She had recourse, however, to a more mischievous mode of raising a revenue,—by the sale of monopolies. The Stuarts improved upon the example of the Tudors. Charles I. invented a new exaction called ship-money; and Charles II., finding that the power of exaction could not be carried further, became a pensioner of France. From the Revolution to the passing of the Duke of Bridgewater’s act, supplies were freely, and even profusely, given by Parliament; but whether supplies were exacted by the Crown or freely given by Parliament, they were equally applied to the purposes of court prodigality and corruption,—to defray the expense of unwise or wicked wars,—or to subsidize the different states of Europe. Nothing, almost, could be spared by the Government, during the entire period we have glanced at, for the more homely purpose of improving the condition of the people.

In the reign of George II., and session of 1742, the sum of *five millions, seven hundred and twenty-three thousand pounds* were granted in the committee of supply;—all for the purposes of war, with the exception of £20,000 voted for Westminster Bridge\*. At the time the statute of Queen Anne, which we have quoted, set forth the wants of the “conveniences of water carriage” in England, there was a larger sum expended on the fruitless wars of the Duke of Marlborough than would have been required to intersect the whole of England with lines of intercommunication. But it is our happiness to live at a period when the true interests of mankind are better understood, and when Governments are permitted to wield the power delegated to them by the people, on the sole condition of using it for the benefit of the people.

The Duke of Bridgewater’s canal was first intended to

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\* Belsham, Great Brit.

open his collieries at Worsley, to supply Manchester with coal. In 1762 he obtained an act of Parliament to enable him to extend his canal to Liverpool. Within the space of five years this canal, with its branches, was finished, under the direction of Mr. Brindley. As the money for constructing those works came altogether from the Duke's purse, it is not well known how much they cost. The expense has been estimated at £220,000. It now produces an annual income greater than the entire original cost could have been.

The want of the means of inland water transit in England had been so universally felt, that this, as it might be termed, first experiment, soon became successful, and consequently brought forward a host of imitators. The large amount of floating capital in England, which is ever ready to be invested in undertakings that are likely to prove profitable, soon found its way to these speculations; and in an inconsiderable space of time the entire country became intersected with navigable canals. Private enterprise thus made amends in England for the neglect of Government, and commerce paid with usury to the state, and with profit to the undertakers, the advances that had been made for its promotion. The Leeds and Liverpool, and Ashton-under-Lyne canals connect the Irish Sea with the German Ocean—a work which so long before had been projected by John Dee and Francis Mathew. The Birmingham canal navigations, connected with the Coventry, Grand Trunk, Worcester and Birmingham, Dudley, Warwick and Birmingham, Wyrley and Essington, Staffordshire and Worcester-shire, and Birmingham and Liverpool junction canals, open a communication with the most important towns of England, and afford a cheap and ready conveyance for the produce of the most valuable mineral district in the world\*.

\* A summary of the subscribed capital of eighty corporate canal companies, and their amount of dividends, was laid before Parliament in 1825. It appeared that

23 companies had expended	£3,731,910	producing no dividend yet
11	4,073,678	..... 92,281 dividend.
22	2,196,000	..... 112,400
11	2,073,300	..... 216,024
10	1,127,230	..... 311,554

£13,205,118      £732,259

It appears that the 57 companies who have made a dividend, according to the above summary, have paid an average interest of about  $7\frac{1}{2}$  per cent. to their shareholders. The length of canals in Great Britain in 1823 (exclusive of those under five miles) was 2889 miles; the length is now not less than 5000 miles.



For some time after the formation of railroads in England, many persons of great sagacity and scientific experience believed that they were destined to displace canals, and maintained that capital should be devoted altogether to this new mode of communication. The canal proprietors therefore took every means in their power to oppose the progress of railway speculations. It has been now proved by experience, that a railway and a canal may be concurrent to the advantage of both. Railroads are almost solely applicable to passengers and light goods, where the object sought to be attained is rapidity of transport; canals to heavy merchandise, where the object sought to be attained is cheapness of transport. The expense of maintaining, &c., the Liverpool and Manchester railway amounts to a larger sum per ton, by 35 per cent., than goods are carried for on the Liverpool and Manchester canal, although the distance is nineteen miles greater by the canal than the railway\*. The amount of the receipts on the canal has been greatly increased since the opening of the railway; while the charge for freight has been reduced from 15*s.* to 10*s.* per ton.

There is no authentic record of the origin of railroads. The first workers of mines in Great Britain and other countries were well acquainted with their advantages. They were at first merely used within the mine for the purpose of facilitating the propelling of sledges, and were afterwards applied to facilitate the moving of waggons by manual power, where horses could not find room. They were subsequently used

\* The freight between Liverpool and Manchester is 10*s.* per ton by the canal; the cost of maintaining the railroad is calculated at 10*s.* 6*d.* per ton, and the other expenses increase the amount to 81*d.* per cwt., or 13*s.* 6*d.* per ton.

The railway receives, for conveying each passenger from Liverpool to Manchester, 4*s.* Now, allowing twelve persons to weigh a ton, this would amount to 48*s.* per ton, while the canal only charges 10*s.* per ton for that distance.

The expense of maintaining the Grand Junction canal has been estimated at £260 per mile; that of the Kennet and Avon at £170 per mile; and that of the Leeds and Liverpool at £150 per mile.

The expense of maintaining the Manchester and Liverpool railway has been estimated at £650 per mile.

The freight between Manchester and London, by canal, is 65*s.* per ton, the distance being 262 miles. The fare for each passenger, by the railroad from Manchester to London, will be, when the entire line shall be opened, about £2 by the first class carriages, and 30*s.* by the second class, something less than the proportion now charged between Manchester and Birmingham. This would be (allowing 12 persons to weigh one ton) £24 per ton for the first class carriages and £18 per ton for the second class!!!



with horse power, on a level, from one mine to another; and then, by progressive advances, to convey the produce of the mine to the place of shipment, on a level and also on an inclined plane, for effecting which, mechanical was added to horse power. The agency of steam produced a new æra in this mode of transit. To Mr. Trevethick of Cornwall the honour is due of applying steam power to the propelling of laden waggons on railroads. The first high-pressure engine practically applied to railroad transit was constructed by him in 1802, for Charles Brandling, Esq., of Gosforth in Northumberland, who took out a patent in that year for the construction of a railway and steam carriage. It would be tedious to enumerate the railroads already constructed, and now in process of construction, for uniting the metropolis with every part of England. The capital invested in these works is estimated at upwards of £20,000,000.

In 1833 there was a return made to Parliament from the clerks of the peace respecting turnpike-road trusts in England and Wales, for the year 1829, by which it appeared that the number of those trusts amounted to 1119, and the length of the roads to 19,798 miles\*. The cost of these roads cannot be estimated at less than £20,000,000.

Such have been the surprising effects produced by private speculation in England. But England is an exception, in this respect, to all other parts of the world.

Here private speculators have undertaken, and are willing to undertake, the works which are required for the public interest. Here, therefore, the state needs only interfere to guard the public from the danger of private cupidity. But in countries where private enterprise declines to undertake such works,—that is, in all other parts of the world, and especially in Ireland,—should they for that reason be neglected by the state? To maintain the affirmative of this proposition would involve the absurdity, that the greatest part of those public works at which we have already glanced, and which have proved such important instruments of wealth and civilization, should never have been undertaken. But if they are neglected by private interest, say some political economists, it is be-

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\* Parliamentary Paper, March 29, 1833. No. 1.

cause they have not appeared to private interest likely to be productive. They may not be for a long period productive to the private speculator, yet they are certain to become immediately productive to the state, by developing internal resources, unfettering national enterprise, increasing production, and consequently augmenting revenue. Lord Bacon says, "the making of navigable rivers would be very profitable; they would be as so many in-draughts of wealth, by conveying of commodities with ease from place to place."\* M. Say, in his "*Economie politique pratique*,"† remarks: "Le prix du transport quadruple le prix du blé. Avec de bons transports et des navigations rapides, la France n'éprouverait pas de disettes." How forcibly does this observation apply to Ireland! Upon this wise maxim France has acted. In 1821 and 1822 the Chambers authorised the execution of twelve great lines of canals‡, amounting altogether, in length, to 536 leagues. The execution of these works was confided to the "Direction général des ponts-et-chaussées."

Upon this maxim all the Governments of Europe have acted; and the Government of this country has also acted upon it in relation to Scotland and Canada. The parliamentary grants for the construction of the Caledonian canal, commencing in 1803, amounted to £953,638 2s.; for the Highland roads and bridges £250,752 2s.; and for the military roads and bridges in Scotland £241,918 8s. 3d. §. This outlay of public money extended cultivation and promoted habits of steady labour amongst the peasantry. By its means rents were not only improved, but in many cases

\* Lord Bacon's Works, vol. iv. p. 451.

† Tom. ii. p. 269.

‡ Canal de Nantes à Brest.  
Canal du Rhone au Rhin.  
Canal de Berri.  
Canal de Bourgogne.  
Canal latéral de la Loire.  
Canal du Nivernais.  
Canal de la Somme.  
Navigation de l'Isle.  
Canal du Blunet.  
Canal d'Arles à Bouc.  
Canal des Ardennes.

*Hist. de la Navigation intérieure de la France*, tom. I.

§ Parliamentary Paper, August 11, 1834. No. 599.



created. Lands were brought into a high state of cultivation, where cultivation was before impracticable. There was with an increased production an increased consumption, and the comforts of the people were augmented with an augmented revenue. The amount voted by Parliament for canal communication in Canada amounted, from 1826 to 1834, to £977,300; while the total amount, as set forth in the Parliamentary paper from which we have quoted, voted towards making or repairing works on the Shannon during the entire of that period, amounted to the sum of £21,023!!!

By the acts of 57 George III. c. 24, 3 George IV. c. 86, and 1 and 2 William IV. c. 24, exchequer bills to the amount of £4,700,000 were placed at the disposal of commissioners, for loans in aid of public works in the United Kingdom. Of this amount, the sum allotted to Great Britain was £4,500,000, —to Ireland £200,000. Great Britain took the lion's share.

But in addition to this grant for the Shannon of £21,023, and of this amount of £200,000 to be applied as a *loan for the promotion of public works in Ireland*, and to be repaid with interest, a board was appointed in 1831, under the act of 1 and 2 William IV. c. 33, and charged with the management of a fund of £500,000, to be advanced in Ireland by way of loan, &c., for the promotion of public works, under the sanction of His Majesty's Treasury. This Board consists of a chairman, Colonel Burgoyne, and two commissioners, Mr. Brooke Taylor Ottley and Mr. John Ratcliffe. Of this sum of £500,000, the Board was directed, by an act passed in 1834, to advance £100,000 to the commissioners appointed to manage church temporalities in Ireland, a loan which had nothing to do with public works. The loans advanced are repayable in twenty-five years by instalments, with interest at a rate not less than 4 per cent. per annum. They are to be advanced on the security of the "rates, rents, tolls, profits and receipts" of the work for which the loan shall be made, and these must be in amount at least double the interest required by the Board on the loan; or where these do not exist, then a sum, not less than one-third of the estimated cost of the work, is required to be "expended, subscribed, secured or deposited" to the satisfaction of the commissioners. There was a small grant fund of



£50,000 placed under the management of the Board, to be disposed of in contributions of a moiety of the expense of constructing roads through waste lands, and small fishery piers on the coast. But the Board has no power, under the act, to make grants on any terms whatever for improving the navigation of rivers.

There had been five other Boards in Ireland whose duties were annexed to this Board, namely,—the Board of Works in Dublin,—the Board of Inland Navigation,—the Board for lending money from the consolidated fund,—the commissioners of Kingstown harbour,—and the commissioners of Dunmore harbour. The fisheries had been previously transferred to the Board of Inland Navigation. The last-mentioned Board had the management of a grant fund amounting to £500,000, which had been voted by the Irish Parliament for inland navigation, at the time of the Union, and which was expended on the Grand and Royal canal, and some other navigations, and in improving the port of Dublin.

There is a considerable portion of the Shannon, called the Upper Shannon, from Athlone to Lough Allen, and the navigation of the Maigne to Adair on the Lower Shannon, vested in Government, and placed under the care of the present Board of public works. The Board was, as we have said, constituted in 1831; and in 1835 one of the witnesses, examined before the select Committee on public works, describes the way the navigation of that noble river had been cared for by this Board, in which all the *protecting influences* of five other Boards had been concentrated. "No provision," said he, "was introduced into their act authorizing any expenditure for maintaining those works; the result is, that they necessarily remain in a continued state of dilapidation; the locks decaying, the canals filling up, the fords impassable, and the whole of this important part of the river reflecting great discredit on Government: and this while the navigations in Canada are perfected and maintained at an enormous cost."\* For this neglect the Board is not answerable; for it appears, that although this important navigation had been confided to its care by the Government, that *no*

\* Report of Select Committee on Public Works. Evidence of W. C. Williams, Esq., 1835.

*provision had been introduced into their act authorising any expenditure for maintaining it.* The exertions the Board has made with its limited means are worthy of all praise, and make us the more regret, that energies which might effect so much good in Ireland should be so trammelled. It is quite obvious that nothing of any essential advantage can be done by the Board, unless its powers be greatly extended. It is clear that very few public bodies or corporations can avail themselves of its assistance in the construction of public works. The sums lent during a period of three years, commencing with the constitution of the Board, amounted, in the whole, to £195,000, of which amount the sum of £150,000 was lent on security of grand jury presentments. Only three navigation companies were able to comply with the terms of the Board for loans; and these companies, although deserving the most ample encouragement from a fostering Government, from the important influence the lines of navigation under their care exercise over the internal trade of extensive and populous districts, could obtain, owing to the stringent provisions of the Public Works' act, only slight assistance.

The Newry navigation had, for a long period, been grossly neglected by the Board of Inland Navigation, whose functions were so properly superseded by the Board of Public Works. It extends from the sea to Lough Neagh, a distance of eighteen miles, between the fertile counties of Armagh and Down; and yet this important line of inland communication had been nearly rendered unserviceable by the accumulation of mud, and the want of proper maintenance. It was in 1829 committed to the care of a body of enterprising merchants of Newry, who, since that period, have made most important improvements. They have deepened the channel of the river, removed several rocky impediments and cut off shoaly projections which obstructed the river navigation; and trade has been steadily increasing with the increased facilities to the navigation. We find, on a reference to the Report of the Commissioners of Public Works, that this undertaking, so well deserving an advance of public money, has only been assisted with a loan of £12,000. The Limerick Navigation Company have received two loans, one amounting to £8,900, and the other to £4,800; by these loans important improve-



ments have been effected; and to the Boyne navigation, from Carrick dexter to Drogheda £1,750 have been advanced. An application was made to the Board on behalf of the Royal Canal Company, for a loan to aid the Company in cutting a canal from the Shannon to the town of Roscommon; and this loan was refused on the ground that the security was insufficient, although, as Colonel Burgoyne the chief commissioner afterwards stated, before the Select Committee on Public Works in 1835, the work appeared to be a useful one, and likely to prove advantageous to the country. The Company was, in this case, required to show as a security 8 per cent. from the very commencement, or 9 per cent. after five years, for the completion of the work!

The evidence of Colonel Burgoyne before the Select Committee, which we have alluded to, in 1835, is very important, as showing the great capabilities of Ireland, and the inefficiency of the present system of the Board in calling them forth. Loch Corrib, in the county of Galway, is thirty miles in length, and only divided from the town of Galway and the sea *by half a mile*. The Commissioners of the harbour of Galway solicited a loan for constructing a canal between Galway and this fine lake, of £12,000. Colonel Burgoyne was asked, 392: "Do you think the navigation would be much increased by means of this canal? I think it would be. 393. Besides furnishing means to farmers from the country sending their corn, would it not also afford the means of bringing their manure from the sea? I think it would. It would diminish the expense of carriage. 394. Do you recollect the additional amount asked for making this canal? I think it was £12,000. 395. And you did not think yourselves justified, according to the act, in making that grant? I was not satisfied that £12,000 would be sufficient. 396. What sum would be sufficient? We did not go into the investigation; but we found some items of the expenses were omitted. 397. Could you state to the Committee the probable amount of expenses? No, I cannot. I may state generally, with regard to local improvements, that the capabilities of Ireland are so very great, that unless a new principle is adopted altogether, we could not advance money for all improvements under this act; it would require very large funds."



It appears, that although only three navigations have been enabled to obtain loans from the Boards, and these to a small amount, that a great number of works of the same nature have not been in a condition to derive any benefit from this loan fund, from the nature and amount of the securities required by the Public Works' act. There is little or no discretion left to the Board as to the works proper to receive encouragement. It is bound by the provisions of the act, and it is only necessary to refer to the limited extent of aid it has been enabled to afford, to show how ill calculated it is to render any essential service to industry or trade, or to answer the great purpose for which it was intended,—to promote works of public utility, and relieve the want of employment in Ireland.

It has afforded us great pleasure to learn that a bill is about to be brought into Parliament by Her Majesty's Government for improving the navigation of the Shannon. Those who have not carefully investigated the subject can form no idea of the importance and the vast capacities of that noble river and its tributaries for purposes of commercial and agricultural improvement. We shall not venture upon any descriptions of our own on these points, fearing that we might be suspected of exaggeration; it is more agreeable to us, as it will doubtless be far more satisfactory to our readers, to quote the opinions of gentlemen, whose impartiality, general intelligence and practical knowledge cannot be disputed.

Mr. Williams, the enlightened and enterprising director of the Inland Steam Navigation Company, a gentleman to whose zeal and public spirit Ireland is largely indebted, thus speaks of the Shannon. "This river, unequalled in the British dominions, presenting for a distance of sixty miles, from the sea to Limerick, a magnificent estuary without bar or impediment; from Limerick to its source, in some cases stretching out into inland seas—two of which, Lough Rea and Lough Derg, are upwards of twenty miles in length; in other places likening itself to the river navigation in England, combining the advantages of sailing and tracking as seen on the Thames, the Mersey and the Severn:—how," he exclaims, "can we carry to English eyes a picture of this river through its great course? Let us suppose a river taking its rise in some distant county in England, as far from

“ Liverpool as Essex or Middlesex ; imagine it winding its  
“ way through Hertfordshire and Bedfordshire, Northamp-  
“ tonshire and Warwickshire, and the rich soil of Leices-  
“ tershire ; and after passing through Staffordshire, Der-  
“ byshire and Cheshire, falling into the Mersey in Lan-  
“ cashire, affording to each of these counties the benefit of  
“ fifty miles of navigation, and we shall have some idea of  
“ the magnitude and capacities of this river.” Mr. Rhodes,  
the civil engineer appointed by government to survey the  
Shannon and its tributaries, and to report among other  
matters their capacities for navigation, in his reports which  
have been for several years before the House of Commons,  
describes it as a river “ formed and designed by nature  
“ as the great artery of the kingdom for facilitating agricul-  
“ tural and commercial purposes, by marking out a splendid  
“ line of intercourse for an expeditious and cheap mode of  
“ conveyance through a populous country, superior to any in  
“ the empire, and only requiring a little assistance from art  
“ to render it beneficially useful to an unlimited extent.”  
Colonel Burgoyne, the chief commissioner of the board of  
Public Works in Ireland, has stated that “ there is no part of  
the British dominions where such an opening is presented for  
prospective advantages ;” he has expressed the astonishment  
he felt at finding “ so noble a river running through so fine a  
country, in such a state of neglect. The soil on its banks,”  
he continues, “ is one of the most fertile nature—iron, marble,  
“ slate, and various other productions of superior quality are  
“ also to be found in abundance. Though great capabilities  
“ exist for every intercourse, a perfect stagnation unhappily  
“ prevails, where forests of masts and the bustling activity of  
“ commerce ought to be witnessed : the scene is desolate, va-  
“ ried only by the passage of some straggling boat, which  
“ with difficulty, and probably half a cargo, strives to make  
“ its way to one of the Dublin canals.” The evidence of  
Mr. Griffith and of the late Mr. Nimmo strongly corroborates  
these views ; but we do not think it necessary to cite  
any further authorities, upon a point which a mere inspection  
of Mr. Rhodes’s excellent map of the Shannon will suffice to  
place beyond dispute. The Shannon is provided with nume-  
rous and highly important tributaries ; but they all labour,



as may easily be supposed, under the same disadvantage as the main river. The most considerable of these are the Fergus, the Suck and the Boyle water: the Fergus, five miles wide, is at present navigable to the town of Clare for vessels drawing sixteen feet of water, and at a trifling expense the navigation might be continued through the upper Fergus as far as the town of Ennis, the chief town of the county Clare, sending a representative to parliament, and containing at present a population of 8000 souls. This river has in the shallowest places, and at the lowest summer level, from thirteen to fourteen feet of water; its general depth is from eighteen to twenty-five, and it flows through that district, unsurpassed in fertility, known by the name of the Corcasses of Clare. The Suck is described by Mr. Rhodes in the Report of 1832, as a river second in importance only to the Shannon itself; it winds a circuitous course of about sixty miles, passing by the towns of Roscommon, Athleague, Mount Talbot, Ballymote, Ballygill and Ballynasloe. The Boyle water flows through one of the richest districts of Ireland, but which is exclusively devoted to pasture, because of the want of means for carrying agricultural produce to market.

How, we must now ask, has it happened that such a magnificent river, fed by tributary streams such as those we have been describing, flowing through the most fertile portions of perhaps the most fertile country in the world, has been suffered to remain up to the present hour almost useless for the purposes of inland transport, and lost to the promotion of industry and civilization among the people dwelling upon its banks?

The Irish parliament was not quite so indifferent to the immense importance of this subject as has been generally supposed. In the years 1703, 1709 and 1715, committees were appointed, and bills passed through parliament for the improvement of the Shannon navigation: in 1729 an act was passed, declaring that it was fit and expedient that works of great public utility, such as this, should be carried on at the expense of the nation; and can any man doubt, that if the union had not been effected, such public funds would have long since been provided for the completion of this great purpose? In 1767 the principle of contribution, afterwards so advantageously adopted in the case of the Highland roads of



Scotland, was introduced; and £6000 was granted for the improvement of the Shannon navigation, on condition that a further sum of £10,000 should be forthcoming for the same object from other sources. Resolutions were entered into from time to time by the grand juries of several counties, declaring the necessity of opening this navigation: various grants of money were in fact voted by the Irish House of Commons; but it fell out unluckily, that from a variety of causes the money granted was wasted, and the object sought for invariably defeated; there was a lamentable want of connexion between the different undertakings; there was the absence of any plan embracing the whole of the river; and there was the jarring of different interests: but the failure may be accounted for, more than by all the other causes put together, by the low state of engineering skill at the period of which we are writing. The fault, however, was assuredly not with the Irish House of Commons; for we find that out of a trifling revenue, grants for the improvement of inland navigation were made, from time to time, to the enormous amount of £600,000. By the assistance given by the Irish Parliament to plans of inland navigation, the country is relieved from an annual expense of £100,000 paid for bounty on corn imported into Dublin; and Ireland, which fifty years ago imported corn to the value of half a million sterling, now exports of that article alone to the value of several millions. It cannot be denied that the native Parliament laboured zealously and successfully to create trade where it had not before existed, and materially improved and fostered the last resource of the Irish—their agriculture.

A portion of the river—the Middle Shannon—was in the year 1836, given up to the Grand Canal Company, to whom, at the same time, was made a grant of £54,000, the company entering into an agreement to perform certain covenants: that contract remains to this day unfulfilled, and vessels drawing only three feet of water, are constantly stranding in places where the company were bound to provide that they should find six feet of water at the least. Mr. Williams, the director of the Inland Navigation Company, from whom we have once before quoted, states, that he found the works in this portion of the river in a state of dilapidation, the contract with the government unfulfilled, and intercourse almost impracticable.

He has since induced the company to put their works into somewhat better order; but surely it is not asserting too much to say that it was the duty of the government to see that the conditions of the contract were performed,—a contract for which they gave up the navigation of so large a portion of the river, and that portion where the trade must be of the greatest importance, as it affects the commerce of the towns of Athlone, Banagher and Portumna. The government does not seem to have discharged its duties more effectively in the Upper Shannon,—a part of the river which remains under their own control, and to which considerable pecuniary assistance has also been given. A portion of the works remains unfinished, and those parts which have been executed were so badly constructed that they are rapidly sinking into decay. The Limerick navigation, upon which considerable sums of public money were expended, was so mismanaged, that this great key of the river remained blocked up, designedly it is said, for several years, until Sir Robert Peel, then secretary for Ireland, compelled them to remove the obstruction.

It thus appears, that from the period of the union to the accession of the whigs to office in 1830, very little was attempted by the government to promote this great national improvement, and that any attempts which were made were defeated by the inefficiency or corruption of those to whose hands the execution of the plans was committed, and by the remissness of those whose duty it was to have exercised a watchful superintendence.

As we commenced our observations on this important branch of the present article by descriptions taken from unbiassed authorities, of the vast capabilities of the Shannon and its tributaries, so we cannot more appropriately dismiss it, than with a few remarks on the incalculable benefits to be derived by Ireland in particular, but to a large extent also by all parts of the empire, from a proper cultivation of the means which Providence has placed within our reach. Let us first look to the effects that have always followed from the judicious expenditure of public money for purposes of national utility in Ireland. We have the authority of Mr. Nimmo, Mr. Griffith, Mr. Blake and others for this fact, that for all such expenditure the nation is amply, nay, most usuriously repaid. We



have it upon the evidence of the first of these gentlemen, that *in consequence* of the expenditure of £160,000 in Connaught, there was such an increase in the annual revenue, that the whole outlay was redeemed within seven years. Mr. Griffith expended £60,000 in the Cork district, and the increase in the excise and customs resulting from the expenditure was £50,000 a year. Mr. Blake has stated that in four years the receipts of the excise and customs of Galway were more than doubled, indeed, nearly trebled. All the authorities are agreed upon the beneficial effect upon the morals of the people produced by the introduction of such works among them; and, independent of financial improvements, it will not be denied that the moral amelioration alone is ample compensation to the nation for the outlay of its capital. If we compare the state of the inland navigation of Ireland with that of England, or with a portion of it equal in square miles to the extent of Ireland, it will be found that the one is provided, within the given superficies, with canals or navigable rivers to the extent of upwards of five thousand miles, while the other has no more than five hundred.

It appears also, that in water communication alone there has been expended on England a capital amounting to thirty millions, whilst the expenditure for the same purpose in Ireland is less than four millions, and the difference of aspect between the two countries is alone sufficient evidence of the advantages which may be expected to follow from the adoption of a liberal system with regard to Ireland; the merchants of England know full well that the benefits accruing from the adoption of such a system will not be confined to Ireland, but, on the contrary, that England will participate most largely in the profits derivable from so judicious an investment of capital. Now, is it possible to consider as one of merely local importance a measure the object of which is to add 230 miles in the main river, and 150 in its tributaries to the inland navigation of a country now so deficient in that great element of national prosperity; the effect of which would be to open to the commerce of England a river running through the centre of Ireland, and possessing 500 miles of coast; which would bring a market for their produce to the doors of the inhabitants of two millions of acres in the valley of the



Shannon; which, while it affords to one-third of the counties of Ireland unequalled facilities for the disposal of their agricultural produce, will also encourage the outlay of private capital, and raise up the population of that country to the level of those habits of industry and civilization to which England owes all the moral and physical superiority of her present condition? Nature has done her part; it only remains for man to perform his. Why should this magnificent river be permitted to remain without contributing either to the convenience of the inhabitants, or to the commercial strength of the nation? Only remove the few obstructions to the navigation of the Shannon which now remain, and it will speedily appear how abundant are the elements of traffic upon its banks; the busy hum of commerce will soon succeed to that dreary stillness which now pervades the wide waste of its waters; internal intercourse will be established, and the national resources of the country be fairly developed; respect for the laws, peace, and the prosperity which follows peace, will succeed to illicit distillation, discontent and agitation;—a turbulent pauper-population will be converted into an orderly community, and into profitable consumers. The impulse given to the agriculture of Ireland will soon be most beneficially felt in the manufactures of England; the rising prosperity of the one will be fostered, while the meridian splendour of the other will be secured. In this summary there is not one particle of exaggeration; and it only remains for us to say, that the project by which these great effects may be produced, so practical in its nature, so easy in its execution, so moderate in the expenditure required, is of all human undertakings one of the most permanent in its results.

But then the two principal canals in Ireland, the Royal canal and the Grand canal, are referred to as instances of failure, and deductions drawn from them are applied to prospective undertakings of a similar kind. The fallacy of this reasoning we shall show in a few words. The Royal canal cost £19,749 7s. 5d. per mile. The Grand canal cost £18,610 per mile. The extension of the Royal canal from Coolnahery to Tarmonberry cost £6250 a mile. It was commenced in 1814, and finished in 1817, having been executed at the public expense. The extension of the Grand canal to

Ballinasloe cost £3226 a mile; £3000 a mile would be a fair estimate for the execution of both canals, if judiciously expended; but, originally, the want of professional skill was so great, that on the Grand canal, when the work was supposed finished, it became necessary to build a lock intermediately between two, for the purpose of correcting the level; and after a line had been opened, and nearly completed for seven miles in extent, at an expenditure of £14,000, it was altogether abandoned, and a new line chosen. Two miles of the Royal canal cost £70,000, and a quarter of a mile of the Grand canal cost £60,000, both of which, by common skill, could have been avoided.

The present cost of executing these works, even taking into account the sums chargeable on the old undertaking, would not be *one-fifth* or *one-sixth* of the amount they actually cost. The income of the Royal canal is £300 a mile per annum; the rate of profit about £120 a mile, being three-fifths per cent. on the capital expended, which was £1,421,954 13s. 1d. It is 72 miles long\*. The rate of profit in the Grand canal is £300 a mile, being 1 and five-eighths per cent. on the capital expended, which was £1,861,008. It is 156 English miles long.

If the Grand canal had been constructed for the sum it might now be, and enjoyed its present income, it would pay a dividend of at least 10 per cent.†

Besides, no lines of communication can be expected to produce their useful effect until the system of communication be complete. At present these canals are isolated. When they become extended, we look for as great results to the shareholders as they have already produced to the public, by

* Original stock of Royal canal nominally £300,000	£172,964	10s.	0d.
1791 to 1798, grants from Irish Parliaments .....	91,123	15	3
1801, grants from directors general .....	95,866	7	10
Grants from Parliament .....	200,000	0	0
Debt, now forming the stock of the New Company, about £750,000, paying a dividend of 2 per cent.	862,000	0	0
	£1,421,954	13	1
† Grand canal: Original stock .....	£600,000	0s.	0d.
Amount of grants .....	93,250	0	0
Amount of grant for reduction of debt	150,000	0	0
Balance of debt .....	1,017,750	0	0
	£1,861,008	0	0



the saving in the expense of transport, the augmentation of the value of the lands near to which they pass, the increase in the productions of labour, and the saving in the repair of roads, and cost and keep of horses.

Some interesting calculations have been made by the French engineers as to the advantage to the public, compared with that to the shareholders arising from the opening of canals. It has been calculated by M. Vallée\*, principal engineer of the "Canal du Centre" in France, that if a company had executed that canal, that company would only receive, on a comparison of its costs and its receipts, three per cent. on the sum expended in its construction; while France receives, by the increase in the national revenue, from twelve to fifteen per cent. on that undertaking. The elements of this calculation are all stated, and they appear far from being exaggerated. M. Charles Dupin† calculates that a canal from Havre to Strasbourg would, in one year, repay the cost of its construction. The Canal du Centre cost 11,420,000 *fr.*; the annual interest on this sum, at five per cent., would be 571,000 *fr.*; while it is calculated to produce to France an increase of annual revenue amounting to 4,941,000 *fr.*‡.

What we have urged respecting inland navigation will apply even more forcibly to roads.

We have mentioned the Roman Ways because, upon the

\* De l'aliénation des Canaux, page 109.

† Des forces productives et commerciales de la France, tome ii. p. 328.

‡ Il y a plusieurs avantages produits par l'ouverture d'un canal.

1°. L'économie sur le transport.

2°. L'augmentation de valeur des productions spontanées, agricoles et industrielles.

Des recherches, faites avec soin pour déterminer le revenu annuel de ces divers avantages relativement au Canal du Centre et aux localités qu'il traverse, ont fourni les résultats suivans :

Economie sur le transport.....	3,000,000 <i>fr.</i>
Augmentation de valeur des bois .....	470,000
Exploitations des mines de houille .....	630,000
— des carrières de plâtre .....	105,000
— de pierre .....	55,000

Les présens résultats sont tirés de documens certains et, loin d'être exagérés, ils sont plutôt au-dessous qu'au-dessus de la réalité.

On pourrait ajouter à cette somme l'économie qui aurait lieu sur la dépense de l'entretien des routes; mais attendu qu'il n'y a pas de route à l'état de parfait entretien, il est impossible de déterminer avec quel qu'exactitude cette économie; cependant on peut assurer qu'elle s'élèverait à plus de 100,000 *fr.*

On n'a pas encore réuni tous les renseignemens nécessaires pour évaluer l'augmentation des productions agricoles et industrielles;



Roman law, that of England, relating to Highways, is said to have been founded. St. Isidorus informs us, "the Carthaginians first paved the ways; afterwards the Romans did the same throughout all the world, to make the roads straight and keep the multitude out of idleness."\* Augustus Cæsar was elected overseer of the Highways near Rome†. An appointment of this kind was considered a great honour. Pliny the younger, writing to Pontius, says, "I had retired into the country when I received the news that Cornutus Tertullius had the charge of the Æmilian Way. I cannot express how much I rejoiced, both for his sake and my own." The most distinguished service that could be rendered to the state, was to make highways. To this purpose Julius Cæsar devoted a great part of his fortune, and Augustus Cæsar the silver statues that were presented to him by his friends and courtiers. The roads thus made were called by the name of the person at whose expense they were constructed; and arches and pillars were erected, and medals struck in commemoration of them.

The Roman law distinguished the high roads between the principal towns from the roads between small towns or villages. The former, called *viæ publicæ*, were made, except in the cases we have alluded to, and maintained at the expense of the state. The latter, called *viæ vicinales*, were made and maintained at the expense of the small towns or villages they connected together. The *viæ publicæ* were maintained partly by tolls and partly by grants. The farmers of these tolls were called *mancipes*, who contracted for keeping the roads in re-

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mais il est évident qu'elle a eu lieu, car elle est une conséquence nécessaire de celles qu'on vient d'indiquer, et certes, il n'y a pas d'exagération à les porter au tiers du montant de ces dernières ... 1,420,000

Total des produits annuels 5,680,000

La navigation a été ouverte le 28 Février 1794; à cette époque le montant de la dépense pour la confection du canal s'élevait à ... 11,420,000

Dont l'intérêt à 5 per 100 est de ..... 571,000

Depuis cette époque le montant de toutes les dépenses d'entretien s'est élevé, année moyenne, à..... 168,000

Total de la dépense annuelle 739,000

Par conséquent, l'utilité absolue du Canal du Centre peut être représentée par un revenu annuel de ..... 4,941,000/fr.

\* Originum, lib. xv. cap. ult.

† Dio, lib. xv.

pair with the lowest bidder, called *redemptores*\*. The magistrates of the small towns and villages were empowered to levy on the inhabitants the sum required for the maintenance of the *viæ vicinales*; and those who were not able to contribute in money were obliged to contribute their personal labour†. The Roman laws and customs were introduced into England under Vespasian and Domitian.

That part of these laws which related to the *viæ vicinales*, was alone retained by the Saxons, as it was more congenial with their feudal institutions, and was applied to public as well as private roads. After the Norman conquest, the judges, "who had a charge to inquire of common highways destroyed, and who bound to repair or mend them,"‡ declared that the counties were bound, at common law, to make good the reparations of a highway§.

By the statute of Philip and Mary|| provision was made to compel the parishes to repair the highways, and for the appointment of surveyors to superintend and enforce such repairs. Like the Roman law, regulating the *viæ vicinales*, this statute provided that the funds for this purpose should be raised in each parish by personal labour, termed statute-duty, or by a composition. The mode of satisfying this duty by the occupiers was found, in practice, to be oppressive and inefficient¶.

Horses and men were sent on the requisition of the surveyor to work on the roads; but it was difficult to compel them to work, and, generally, the days required for statute-labour were devoted by the men sent to discharge that duty to idleness and drinking. By the statute of Philip and Mary,

\* Siculus Flaccus, lib. de Conditionibus Agrorum.

† Idem.

‡ Britton, cap. 20, de plusiers tortz. (sic.)

§ Co. Rep. 13.

|| 2 and 3 P. and M. c. 8., revived by 5 Eliz. c. 13, and made perpetual by 29 Eliz. c. 5; consolidated by 13 George III. c. 78, and amended by several subsequent statutes.

¶ Lord Bacon, in his "judicial charge upon the Commission for the Verge," says, "For nuisances and grievances I will for the present only single out one, that ye present the *decays of high ways and bridges*; for where the majesty of a king's house draws recourse and access, it is both disgraceful to the king and discomfiting to the people, if the ways near-about be not fair and good; wherein it is strange to see the chargeable pavements and causeways in the arenas and entrances of towns abroad beyond the seas; whereas London, the second city at the least of Europe, in glory, in greatness, and in wealth, cannot be discerned by the fairness of the ways, though a little perhaps by the broadness of them, from a village."—*Lord Bacon's Works*, vol. iv. p. 393.



all persons keeping *draughts* and occupying tenements of a certain amount, were required to send a certain number of men and horses, in proportion to the number of draughts kept and amount of rent paid, to do statute-duty for a certain number of days in the year; and each occupier, not keeping draughts, was required to work or find a labourer, for which, however, a composition might be made with the surveyor at an easy rate under the statute.

The gentry who kept carriages claimed to be included in the last class, as not keeping draughts within the meaning of the statute, and the claim was allowed by the justices. Sir Mathew Hale, however, held that coaches were included under the appellation of "*draught*," and such as kept them liable to do statute-duty. This was conformable with the views of Dalton, who wrote about 1619, and says, "I find that a "*draught* for the king's carriages heretofore hath been sometimes with two horses, as it seemeth by the statute of Magna Charta, cap. 21." But until this provision was amended by the consolidating statute of 13 George III., the gentry were, as regarded the repairs of roads, classed generally with the agricultural labourers. A great number of enactments were passed subsequent to the statute of Philip and Mary; but as all of them were based on the false principle, that the occupiers of the several parishes were bound to keep the high roads in repair for the use of the public, they were only productive of discontent and litigation. At length the greatest proportion of the roads in England were placed under the management and direction of trustees, who were empowered to erect turnpikes and take tolls for the maintenance of such roads in aid of statute-duty\*. This expedient has also proved unsuccessful. The trusts are encumbered with a heavy amount of debt, and the time appears to be arrived when a new system must be adopted. The Select Committee, appointed in 1833 to take into consideration the state of Turnpike Road Trusts in England, reported "that they had not failed to observe, from the evidence adduced, the great benefits which "had arisen from the consolidation of trusts round the me-

\* The general Turnpike act is 13 George III. c. 84, which, by 21 George III. c. 20, is extended to all acts to be made thereafter for the purpose of regulating particular turnpikes.



"tropolis," and that all the witnesses (sixteen in number) who had been examined, concurred in recommending a *system of general control* of the management of the roads of the kingdom, with a view to prevent an increase of debt,—to introduce one general, economical and skilful course of management as "the only means of reducing the present great amount of debt, and of relieving the country from the burden of statute labour, and the high rate of toll now levied on every district;" and the Committee recommended the immediate adoption of measures calculated to carry that object into effect\*. It appears therefore, we think, sufficiently clear, that the principle which we advocate must soon be adopted even in England; namely, that the great leading lines of communication be constructed and maintained by the state.

The system of maintaining the public roads by means of statute-labour also existed in Ireland, and produced the like result,—oppression,—litigation and neglect. It became necessary therefore to change it; and instead of trustees, the roads were placed under the direction of the grand juries, who were enabled to assess the occupiers of the different baronies for their maintenance and construction. Few turnpikes were erected, and statute-labour was abolished. But in this system the original vice exists, namely, that the inhabitants within a certain district are required *to make and maintain roads for the public*; and when the heavy tax which this imposes is increased by the other almost endless charges thrown upon the county cess, it is not surprising that it should have occasioned the most extensive discontent, and that useful works should not be undertaken. The grand jury laws relating to roads in Ireland were only to be equalled in complication by the highway acts in England; and they equally evinced, in their operation, how fruitless are all attempts to effect, by legislation, what is opposed to the common sense and interests of mankind.

In the Report of the Select Committee on Public Works, to which we have already alluded, Mr. Barrington stated, that on a tract of land which he possessed in the county of Lime-

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\* Parliamentary Paper, No. 24, August 21, 1833.

rick he expended £700 in the formation of a public road through a mountain, the Board of Works laying out a sum of equal amount. In consequence of that expenditure, that it had nearly doubled the value of the land through which the road went, by merely affording to the occupiers the means of drawing up the lime on cars, which was previously carried in baskets on horses' backs; and this road not only benefited his land, but the whole range of country beyond it. There is no doubt that the same results would be produced by like means through almost every part of Ireland; and when we add to the improvement in the value, the improvement in the condition of the people,—the increase to the revenue resulting from improved habits and increased consumption,—the improvement in the administration of justice, by opening the country to the police and military,—the saving of expense arising from a reduction of the number of the latter, which may be safely made with the improved condition of the people,—the advantages of unity of system and control;—in every point of view, it appears to us the duty of the Government, and the interest of the public, to apply freely grants of public money to promote the construction of great leading lines of communication in Ireland, and that these should be intrusted to a Board responsible to the state.

The argument that works of this kind should not be undertaken because they are not likely to prove profitable, is most fallacious. It is those works which are least likely to prove immediately productive to a private undertaker that always prove most productive to the public\*,—the opening lines of communication through extensive uncultivated districts. These would add to the empire, as Colonel Burgoyne forcibly expressed it in his evidence before the Select Committee to which we have referred, "profitable and excellent land to the amount of hundreds and thousands of acres, as much as if they had arisen out of the bottom of the sea;" but, he adds, "no party is sufficiently interested to come for-

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\* Middleton, who brought the New River to London, died in prison, from inability to meet engagements undertaken to effect that great work. The original one hundred pound shares in that undertaking now sell for upwards of £3000 each,—paying an interest of £300 each.



"ward; the interests are so blended and so limited, that no person sees the particular advantage he would gain, and it is only by Government that this can possibly be done."\*

We have already mentioned that the Board of Public Works was enabled to make small grants for the formation of roads in Ireland. A portion of this fund was expended by Mr. Griffith in the counties of Limerick, Cork and Kerry. Before the commencement of the works Mr. Griffith thus describes that part of the country.

"The fertile plains of Limerick, Cork and Kerry are separated from each other by a deserted country, hitherto nearly an impassable barrier. This large district comprehends upwards of 900 square miles: in many places it is very populous. As might be expected under such circumstances, the people are turbulent; and their houses being inaccessible for want of roads, it is not surprising, that during the disturbances of 1821 and 1822, this district was the asylum for Whiteboys, smugglers and robbers, and that stolen cattle were drawn into it as to a safe and impenetrable retreat. Notwithstanding its present desolate state, this country contains within it the seeds of future improvement and industry."†

The following is Mr. Griffith's report on the same district, after the execution of the works in 1829.

"A very considerable improvement has already taken place in the vicinity of the roads, both in the industry of the inhabitants, and the appearance of the country: upwards of 60 new lime kilns have been built; carts, ploughs, harrows and improved implements have become common; new houses of a better class have been built, new inclosures made, and the country has become perfectly tranquil, and exhibits a scene of industry and exertion at once pleasing and remarkable. A large portion of the money received for labour has been husbanded with care, laid out in the building of substantial houses, and in the purchase of stock and agricultural implements; and numerous examples might be shown of poor labourers, possessing neither money, houses nor land when first employed, who, in the past year, have been enabled to take farms, build houses, and stock their land."

Mr. Williams states, in his evidence before the Committee on Public Works in 1835:

"In consequence of the expenditure of £160,000 in Public Works in Connaught in seven years, the *increase of the annual revenue has been equal to the whole of that expenditure*. I find also," he adds, "a corresponding increase in the revenue of the Cork district, where Mr. Griffith expended £60,000 in seven years, and *the increase of customs and excise has*

\* Report of Select Committee on Public Works, p. 94, 1835.

† Mr. Griffith in 1822.



been £50,000 a year, attributable mainly to the facilities of communication by which whole districts have been rendered available for productive purposes, and a miserable pauper population converted into a class of consumers."<sup>\*</sup>

In the Report of the Commissioners of Public Works in 1834, they state :

" It is not for this Board to give an opinion on the degree of support which the legislature should bestow on public works of primary utility. We are, however, fully persuaded, not only of the great political advantage of such an expenditure of public money, but that it would be to a considerable extent repaid by the indirect returns made to the revenue, arising from an increased general prosperity. In England abundant sources of industry are struggling for vent, requiring only the stimulus of such additional facilities of intercourse to enable them to come into full and immediate operation. They are therefore, in themselves, fair sources of speculation for private capital. In Ireland, on the contrary, they are required to foster and encourage sources of industry which are yet latent ; and though the consequences and advantages are not so immediately apparent, nor (except in a few instances) do they afford direct profits to induce the expenditure of private capital, they are not the less great objects of national interest."

In their Report of 1835 they state :

" These roads (constructed by Government aid) have been the means of fertilizing the deserts, and of depriving the lawless disturbers of the public peace of their place of refuge, affording them, at the same time, resources for an active honest industry, of which we must do them the justice to observe, they have not shown any indisposition to avail themselves. We cannot lose the opportunity of repeating the declaration of our firm conviction of the good policy of promoting these eminently useful works by the most liberal and extensive support."

We have only room for one quotation from their Report of 1837, in which they bear witness to the industry of the Irish peasantry.

" When roused by fair opportunities being laid before them and explained, we find that those who can profit by them are perfectly willing to do so, *the earnings of labourers at low prices of task-work frequently being double those of the day labourer at the usual wages.*"

The Select Committee on Public Works, to which we have referred, reported that,

" Among the remedial measures proposed for the improvement of Ireland, none can create less difference of opinion, or has been more universally urged by all parties and persons who have considered the subject,

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<sup>\*</sup> Report of Select Committee on Public Works, Ireland, 1835.

than the propriety of encouraging the execution of public works: and your committee fully coincide in the opinion, that there is every reason in justice and policy for extending, in that country, the public aid for such purposes, in a degree that does not admit of comparison with the consideration that would be the guide for other parts of the United Kingdom."

Of this Committee *the late and present Chancellors of the Exchequer were both members.*

But notwithstanding this advice, and coming from such a quarter,—founded on the representation of the officers and commissioners of the Board of Works appointed by the Government, and strengthened by the evidence of the most intelligent persons of all parties, Ireland still remains in the state we have described.

We have shown that £2,423,608 12s. 3d.\* have been granted by Government for inland navigation, and roads to Scotland and Canada; and to Ireland, during the same space of time, £21,023! That £4,500,000 have been placed in the hands of commissioners for loans in aid of Public Works in the United Kingdom, of which the share allotted to Ireland has been £200,000. And this is all that has been done for Ireland since the Union, to promote that great object, with the exception of the small funds under the management of the present Board of Works†.

The insular position of Ireland in the Atlantic, facing on the south and west France, Spain, Portugal, the West Indies and America, the wealth of her fisheries on the north and west, and England on her east, to which she has been united by means of steam navigation as by a bridge; her fine rivers, inland lakes, large population, and the wealth that lies hidden in her bosom, all point her out as a country which requires

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* Grants for Caledonian canal since 1803 .....	£953,638	2s.	0d.
——— Highland roads and bridges.....	250,752	2	0
——— military .....	241,918	8	3
Navigation in Canada, &c., since 1826.....	977,300	0	0

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£2,423,608 12 3

† Whatever cause Ireland may have to complain of the parsimony of England, to foreign powers this country has been sufficiently liberal. From 1793 to 1821 the loans and subsidies to foreign powers, of which nothing has been repaid, amounted to £77,751,944; and from 1821 to the present period, to £56,694,571, amounting to the enormous total of £153,868,470. Beside this sum, the twenty millions paid for negro emancipation appears trifling. Well might Mr. O'Connell exclaim, "Would that the Irish were blacks!" The Irish people might, in the like sense, exclaim, "Would that we were aliens!"

nothing but the fostering care of a paternal Government to become eminently prosperous. It only requires the aid of the Government to do that which all Governments of ancient and nearly all of modern times have considered it their duty to do,—to open great leading lines of communication by means of roads and canals in Ireland. This will lead to the reclaiming of waste lands; the first by affording means of conveying to them the materials necessary for reclamation, and the second by the drainage they will accomplish. This has been, as we have shown, recommended by all parties, and by none more strongly than by the Head of the Board of Public Works, Colonel Burgoyne.

Where would you apply the Government money, he was asked by the Select Committee we have alluded to. His answer was: “In opening very extensive uncultivated districts: *“I would provide one main thoroughfare of communication at the expense of Government; and for opening less extensive districts, I would give the moiety grants as at present; for those occasions they work very well.”*

We trust that Government will adopt this wise counsel; and we hope soon to see in Ireland, by such assistance, labour employed,—industry promoted,—and

“Long canals and deepen’d rivers join  
Each part to each, and with the circling main  
The whole enliven’d isle.”\*

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\* Thomson.



## ARTICLE V.

*Plan of the English Historical Society. 1836.*

*Venerabilis Bedae Historia Ecclesiastica Gentis Anglorum. Ad fidem codicum manuscriptorum recensuit Josephus Stevenson. Londini. Sumptibus Societatis. MDCCCXXXVIII.*

IN a late number of this Review we took occasion to touch (slightly, we confess) upon the system of education pursued in the German universities, as contrasted with our own. The scope of our inquiry forbade our then entering into any detail; our business was rather with the mode of education in general, than with the peculiar management of any particular branch. The nature of our argument also led us to cast what, at first sight, may appear to be a slur upon the results attained by the German system. We trust, however, that those who have followed us in our career have little reason to accuse us of an overweening and arrogant habit of praising institutions merely because they *are* English; on the other hand, that they will acquit us of the pedantic coxcombry of praising institutions because they are *not* English. It is our especial object to point out that which is praiseworthy both here and elsewhere; to support that which is good in the forms of our own and foreign lands, and to attack only that which we believe to be mischievous and degrading to national morals, whether it be found at home or abroad. If, in this endeavour, we ruffle the prejudices of those who would rather be led than think for themselves,—if, owning no party, we prove so unfortunate as to find opponents among the men of all parties,—if, finally, we earn the reputation, a sorry one, of being the *best intentioned* men in the world, and nothing else—we shall take refuge in the proud boast of the Titan,—*ἐκὼν ἐκὼν ἡμαρτον, οὐκ ἀρνήσομαι*.—We have sinned intentionally, and do not mean to deny it.

We appeal from Philip drunk to Philip sober; from our countrymen, too busy with matters of fleeting and very secondary interest, to our countrymen when they shall have learnt to look for no greatness but what is founded in the moral developement of all classes of our fellow men; from partisans squabbling for sectarian interests, to citizens intent

upon awakening and directing all our national energies to national ends. It was never our intention to deny, that in many branches of learning the Germans were infinitely superior to ourselves; our object was merely to warn our readers against too hasty a condemnation of the English University system, and, if possible, to strike out a balance of truth from between two conflicting parties, each of which appeared, in its zeal, likely to outstrip the bounds of justice. In the prosecution of this object we shall continue our inquiry into one particular branch of learned pursuit at home and abroad.

The peculiar eminence of our German contemporaries in all that comes under the description of learning and research, may be explained without resorting to any hypothesis of a difference in the character of German and English mind. That this exists we shall assuredly not deny, any more than we shall deny the difference in our physical conformation, a difference as apparent now as it was to Tacitus eighteen hundred years ago. But different circumstances and a different direction will, in process of time, produce what is at least equivalent to an original diversity; and these circumstances have existed in ample degree in Germany.

In that vast collection of various nations and kingdoms whose interests are divided, if not hostile, society presents an aspect very unlike ours. There has been no such fusion of classes as the insular position and manufacturing genius of England have given birth to. Here the gigantic power of steam has battered down the barriers between caste and caste, and the sons of the cotton-spinner or the hardware-man meet as equals the scions of the proudest baronial houses. The floor of the House of Commons levels the distinctions of rank; and for those with whom rank was not hereditary, the floor of the House of Commons may lay the foundations of nobility. Moreover, the younger sons of lordly families are Commoners in England, and primogeniture, which retains the coronet for one, allows of no minute subdivision of estates. *Primogenitura facit appanagium* is true enough, but appanage is not here of a nature to remove the receiver from amongst the great class which makes the strength and solidity of England. Nor is it to be forgotten that our aristocracy, in some respects the most clear-seeing of the world, have never failed to call



up into their own ranks those whose talents and commanding position might have made them dangerous leaders of a hostile force. From the highest therefore to the lowest there is one unbroken chain; nor can the point be ascertained where this class begins and that ends: set aside the ermined baron and the proletarian, and all the rest is *Middle Class*,—a name and a thing known here alone.

In Germany these things are very different. An eternal and almost impassable barrier rises between man and man: nobility, heritable without primogeniture, floods thirty petty courts with titled aspirants for place and pension; as many sons and daughters, so many multiplications of the paternal coronet, so many equal claimants of the paternal wealth, till rank, and the means of supporting it, bear miserable proportion to one another. Hence the army and the host of places which a German court has to dispense become, in most states of the confederation, the sole resort of an impoverished aristocracy, who look with jealous eyes upon all interlopers from the ranks of the non-noble. Nor is it common in Germany for the aristocracy to recruit among the wealthy of the mercantile class: a wary tradesman will look twice ere he render himself liable to feed a regiment of hungry barons, his cousins by marriage; and in some states a *mésalliance* is fatal to the blood.

The states of the confederation are sovereign, and diplomacy is as much an adjunct of sovereignty as a brigade of guards. Hence thirty ministries, thirty *corps diplomatiques*, in which alone the noble and non-noble meet. But we who, if not born statesmen, (a title which the Germans generally refuse to us who have not regularly *learnt* state-craft,) are at least born politicians, see nothing strange in a country gentleman or successful manufacturer becoming a minister: practical sense, habits of business, political predilections (if not political principles,) sucked in with the air we breathe, are our education for public life; nor is any excluded whose weight or talent on the hustings or in the House, can fight his way to the uneasy height of office. Not so in Germany: statecraft there is a profession, statesmen are a class. Here and there, it is true, we find privy-councillors in the universities, and ministers selected from the distinguished names of



literature; but the *geheimer rath* generally enjoys only a title of honour, and the literary minister is an *avis rarissima* in the land. Practically, and for all the purposes of our present inquiry, the statesmen form a separate class, having separate studies, separate interests, and almost a separate existence from all others. In fact, men of distinction in other walks of life, are apt, in Germany, to look upon ministerial dignity as something less attractive than we, who see in it the pledge of power. It is one thing, in a free community, to be a prime minister or secretary of state; another, in a paternal despotism, to be *valet de chambre* the first, or *valet de chambre* the second.

The clergy in Germany, especially the Protestant part of it, are again very differently situated from our own. There is no wealthy church rejoicing in its connection with the state, and the goods which spring from that connection; for the theologians of the universities are rarely clergymen,—a circumstance which, in some cases, will tend to explain if not to excuse the heterodoxy for which they stand in such bad odour here. The church, as a profession, is neither rich nor noble, hardly even gentle; and the bonds which link our clergy to the general body of the well-born and educated are, for the most part, wanting there. Dispersed over a poor country, and, in the main, not a literary class of men, the clergymen of Germany are little brought in contact with the other divisions of society; so little, in short, as to require no particular notice for the purposes of our present argument.

Again, the manufacturing and the labouring classes are confined within limits stricter than we can well conceive; there is no House of Commons, no influence of property, to give a public interest to the career of the successful trader or wealthy farmer. Even in the constitutional states, the duty of a deputy is no very effective education for a parliamentary life; and though formally abolished, the spirit of the Guilds of the Middle Ages yet lingers in the old haunts of commerce.

One class remains to be noticed, the class or profession of the learned, congregated in their several universities and gymnasia, the garrisons of the republic of letters, sole warders of science and literature, from the most abstruse to the most trifling of its walks. These men, be it remembered, are those

to whom the education of all is confided: they exist for that end; and as they are set apart, so do they live apart from all other interests and all other pursuits. The German professor is a professor and no more; he is a theologian only because he belongs to the theological faculty; a politician only because it is his business to teach politics,—in a university. His is a noble and generous career; he values it as such, and neither departs from it to mix in the world, nor to interfere with subjects which are the acknowledged aim and business of other classes. Moreover, most German universities are located in small towns which almost depend for existence upon the university. In these towns the professor is the *haute noblesse*; his two thousand dollars or so per annum allow him to live well; he is rich, privileged, honoured; why should he seek farther? Accordingly, he rarely does seek farther; but having attained that great object of ambition, a professor's chair, he lives and dies a professor.

Our readers will now be able to judge of the circumstances which exert so favourable an influence upon study in Germany, and which compel so many minds to give all their energies to its pursuit. Upwards of a dozen large universities, (comprising some four hundred professors,) and a proportionate number of preparatory institutions, are continually occupied in adding to a class, all whose hopes are centred in literature and the large rewards which it holds out. Distinction is secure of employment, employment is secure of honourable competence. The object is undivided, the class clearly defined; there is no struggle to pass beyond its limits. A strong professional feeling is called into existence; and hence all the stimulus which ambition, wish for competence and *esprit de corps* can supply, is brought to bear in one direction and on one object. The student tries to qualify himself for a chair; become a private teacher, (*privat docent*;) he yearns to be an extraordinary professor (*ausserordentlicher professor*); having attained this elevation, he still aspires to be made ordinary professor (*ordentlicher professor*) in his own university, or to receive a call to another; while even when arrived at this, the loftiest point, he may hope for a Hofrath's, (aulic councillor,) or even a Geheimer Rath's (privy councillor) title, and an increase of salary. Besides, his reputation will in-



crease the number of his hearers, and this again the amount of his income\*.

These circumstances, thus favourable to all intellectual exertion, when coupled with the peculiar character and tendency of the German mind, have given rise to a historical school of great eminence, and produced some of the most remarkable books which ever issued from the press.

It is a great mistake to imagine that the mere collecting and even accurate judging of facts is all that is required to constitute a historian. These faculties, namely, of industry and common sense, are, no doubt, necessary conditions of success; but they are a portion only, and that a small one, of the historian's armoury. To the acuteness of analysis which detects truth amidst conflicting testimony, must be added that lofty synthetic quality of imagination which fuses the fragmentary and disjointed parts into one consistent, harmonious and artistic whole. In this respect the historian resembles any other great artist; and even as the sculptor, when contemplating the torso or the single limb of a beautiful statue, can at once frame to himself the conception of the whole figure, whose necessary and proportionate part he is examining;—so also must the historian, when contemplating isolated facts, (and all recorded facts, as facts, are such,) be able at once to conceive the feeling, habits, laws, government and state of society which made up such a general condition of a people as would allow of the existence of the given fact. And

\* We do not mean to assert that this state of things is without drawbacks. Its worst result is that very confined and isolated existence which is allotted to each man. Class interests and class pursuits are essentially destructive of the broad, wise, practical views which make *men*,—and Germans, unhappily, are not often *men*; they are *Staatsdiener*, *Amptmänner*, *Professoren*, *Militär*, *Herzöge*, *Könige* and *Kaiser*, but they are rarely *men*, in the only sense in which it is worth one's while to be able to say *homo sum*!; that is, in the bold, uncompromising exertion of a free will.

To Literature, however, and especially learning, (whose province is more, perhaps, the head than the heart,) this state of society is not unfavourable. The very confinement of the intellectual stadium renders the efforts made within it more vigorous; the rays are concentrated till they burn. Division of labour produces here the results which we look for even in the most mechanical employments. No man does more than one thing, but he does that one thing well; and putting aside the small wits of Leipzig, Berlin and Vienna, the *littérateurs à la rose*, the compounders of periodicals for the most part below contempt, there is no class of people in Germany whose business it is to know a little, and only a little, of everything. If this renders the Germans peculiarly liable to be imposed upon in all that does not immediately concern their own *sach*, profession or pursuit, on the other hand it eminently qualifies them for distinction in their peculiar path.



in proportion as he possesses this power of recasting, as it were, and transforming his own mind into the image of the mind of those whose history he writes, is the historian likely to lay great bases for eternity. It is, however, obvious that the imaginative faculty, not supplied with accurate grounds on which to base its creation, must tend, in exact proportion to its vividness, to represent all details in a false light, and so to destroy the truth of history. Shakespeare, for example, has done more to give false notions of Roman history, from the consistency of his pictures of it, than almost any effort will enable us to get rid of. Contrast him with Niebuhr! Again, Scott has, from the same want of accuracy in details, contrived to circulate false views of history, which will long produce an evil effect both upon writers and readers.

Now this union of intense labour, severe analysis, and strict honesty, with the higher or re-composing quality of imagination, is a very general characteristic of the German mind; and no nation of modern Europe can pretend to compete with them in the number and excellence of the works, both in general and particular history, which they have produced. Nor can any nation of Europe show such lecturers and lecture-rooms as it has been our own fortune to attend in Bonn, Göttingen, Heidelberg and Munich; not, by any means, excepting France, whose efforts, nevertheless, are most creditable to her rising generation, and whose heart seems to be at last ashamed of having no *past* to remember with pride and affection!

While Schelling, Heeren, Müller, Schlosser, Grimm, Dahlmann, Niebuhr, and a host of others, were continually fostering the spirit of historical research among their countrymen, it was not matter of surprise that they should lay the foundations of a great school, or rather of great schools. Setting aside the differences of opinion which exist as to the method of recombining facts, all seem thoroughly well agreed as to the method of analysing; and all the preparatory steps, such as collection of materials, formation of *fasti*, investigations of systems of law, mythology and commerce, systematic instruction in the languages, palaeography and chronology of early periods, have been made with an energy and completeness, whose effects we recognise in the great works to which we

have alluded. Meanwhile the Archivists entered the lists with the professors; and the governments themselves, anxiously availing themselves of the opportunity to foster a spirit which is both ennobling and directive for a people, keeping alive their nationality in its progress and gradual developement, placed themselves at the head of the inquiry, furnished funds and powers to the inquirers, and made success in these pursuits a passport to honourable distinction.

We throw out these remarks upon the German literary character in general, by way of introduction to the reflections which have been forced upon us by the appearance of the first work published by the English Historical Society. Our readers will not have forgotten the earnest remonstrance which was wrung from us on occasion of the Parliamentary Committee which sat to investigate the proceedings of the Record Commission. In the course of the remarks we then made, we proved how little had been done in this country for the advancement of historical knowledge, in spite of the munificence of successive Governments; we also made it clearly appear, that the faulty composition of the Boards to which the Government grants were intrusted was the real cause to which their failure must be attributed.

We know that in other countries such results have not to be lamented. The works of Muratori, Bouquet and Bréquigny in older times, and in our own the effective labours of Pertz, of M. Guizot and his well-selected instruments, have proved to us how much may be done by proper management and earnest zeal, though aided by far less ample resources than our Government has devoted to the purpose. Nor do we see any cause to doubt that, with a better system, just as much might be accomplished by ourselves.

The evidence of foreign countries and their successful practice was, however, not necessary in order to show that our plan of proceeding could produce no useful result. Let us look around England, and see what has been attempted here to found and keep up a school of historians. The universities may be fairly taken as a specimen. In Oxford and Cambridge there are chairs of Modern History, one of which, at least, is very richly endowed. Yet what have they done?—Nothing—positively nothing! Hundreds pass through either



University without even suspecting that such lectures are given; and without intending the least disrespect to the gentlemen who fill and have filled these chairs, we must say that those who have attended their lectures have profited but little by their labours. In short, it does not lie within the scope or object of those lectures to produce a school; they exist rather for the general instruction of the richer and noble students, than for the purpose of teaching how to weigh historical evidence, and form just opinions on historical facts. They are followed by no examinations, lead to no university distinctions, and serve, for the most part, as an indolent amusement for those who do not enter very deeply into academical pursuits;—in short, in spite of them, it is our firm conviction, based upon our experience, that a vast majority of students leave both of our great seminaries of learning profoundly ignorant, not only of foreign history, but of that of their native land.

Here and there some isolated cases may be named which seem to militate against our assertions, especially in classical and ecclesiastical history; but with all respect to the authors who form this apparent exception, we must contend that they are themselves the best evidence of our accuracy; they are the exceptions which prove the rule.

We have already said that our Government has never been backward in furnishing ample funds for the service of learning. To prove this, we need only call attention to the allowances made to the British Museum, the Universities and other learned bodies; the pensions granted to men of letters or science; finally, the profuse liberality shown to the Commissioners, here and in Scotland, of Public Records; making, within the last fifty years, a larger sum than has been appropriated to similar purposes by the united kingdoms of the Continent. What we complain of is, that Government is satisfied with giving money, and has no machinery to insure its being well spent. We will not refer again to the Record Commission, which is now *morte et bien morte*, and the defence of whose utility may be left to such Quixotes as it can find; but we will take an instance more familiar, viz. the British Museum. We have here a great national establishment supported by the public, largely used by the public,



and daily becoming of more value and interest to the dwellers in this vast city. Does it not seem necessary that such an institution should be so constituted as to make it most capable of fulfilling the object of its being? Yet, take the list of the trustees in whom its government is vested, and then let any one, a little in the secret, ask how it is that so much mismanagement continues to flourish under their care?

How is it possible, it may be said, that in England, the land of the press and publicity, so much that is unjustifiable should be carried on, unobserved and unrebuked? We answer, that the root of the whole evil lies in a delusive responsibility to Parliament.

Unhappily, Parliament is a very heterogeneous assembly, and such a one as has other matters to attend to than the interests of learning or literature. It is even an assembly in which, despite Mr. Sergeant Talfourd's noble protest in favour of letters, it seems to be a fair piece of abuse to call a man *literary*. But if not responsibility to Parliament, to whom then? We answer, to no authority whatsoever, constituted and actually existing in this realm.

In short, we are the only nation in Europe where there is no provision for public instruction,—no minister, no board, no system of national education, high or low, mean or lofty. The state which claims our services thinks it by no means necessary to teach us how to give them, and we are left to get our spiritual *pabulum* from the alms-basket, or to get none at all, as it pleases Heaven! A certain number of persons who have here or there condescended to sip "the Castalian Spring," but whose principal claim is, that they are members of the House of Lords or Commons, or scions of noble families, are the materials out of which we form boards to mismanage some of the weightiest interests of the state: for with due submission to Mr. J. Hume, the intellectual developement of a nation is as much above its mechanical, as Pericles or Themistocles were above Mr. J. Hume. Nay, more; the duty of instructing and educating *all* classes is as urgent, as unavoidable, as the duty of making laws to repress robbery and murder, and as deeply to be accounted for in a nation's career of aggrandizement or decline.

The material and mechanical is necessary; those who would

exclude this are madmen. But the intellectual and the imaginative is necessary too; and those who would exclude this lay claim to a cell beside the first, though in the present temper of the times they may be less likely to obtain it. And it is this very temper and tendency of our time that renders it the more necessary for the central power to lay the foundations of some system of counteraction; to establish some body of men to guard and defend our civilization, especially since our universities have become somewhat too exclusively the seminaries of clergymen, somewhat too little the nurseries and fosterers of all good and useful learning in all branches; more especially still, since learning itself has, to our great loss, become professional and sectarian.

To return from these more general remarks to the more immediate object of this article, viz. the state and progress of historical knowledge in this kingdom. No one who is aware of what has been accomplished in this one direction, both at home and abroad, can help feeling that we are very much behind our neighbours in these respects. With the exception of two or three works of high character, we have absolutely nothing to set against the numerous and profound publications with which the continent swarms; and as little can it be denied, that this is solely owing to the indifference, carelessness, or bad management of successive Governments, which have scorned to take example from the successful practice of other states, in which men of letters are not left to the precarious patronage of the public at large, or the tender mercies of those who are so well denominated *the trade*!

But this is not all. We are compelled to add that the very rudiments are wanting, that the common education of the historian is nowhere given, that the sciences of palaeography and chronology are mysteries to nine-tenths even of our professed historians. Our German readers will smile to learn that the Church which boasts the richest endowment in Europe, which glories in the possession of three universities, and an almost innumerable multitude of schools, cannot furnish the inquirer with a correct list of its own archbishops from Augustine and Paulinus; that, as yet, we do not even possess printed copies of a large portion of our chronicles; that, at the eleventh hour, we have just undertaken an edition



of our earliest laws; and that we have no collection of the charters and other documents which are the best comment upon that *lex non scripta* whose origin we profess not to remember. Nor is it without shame that we must confess ourselves indebted to foreigners for having done more than ourselves to supply the hiatus which our *laches* has left. The lives of our early clergymen, full of information respecting our history, are to be found in the collection of the Bollandists; the best edition of the A. S. laws yet existing is Schmidt's; the best comment upon them is by Phillipps of Munich; the best history of England under the Saxons and first Normans is by Lappenberg: all of which things are a great and lasting shame to us, who possess the rich materials upon which others build. Nevertheless, we have the Antiquarian Society, which, were it not mischievous by fostering all the mediocrities, would be merely childish. And not less than twenty years ago, the Government sanctioned the formation of a collection of our historical monuments, even the first volume of which has, up to this day, not appeared.

It was in the full conviction that this state of things ought not to continue, that a number of gentlemen formed themselves into a voluntary association, with the object of collecting and publishing all the materials for English history. It is now just one year since they commenced their labours, and they have justified the expectations we had formed by the vigour and completeness with which they have entered upon their career. They have already published incomparably the best edition extant of Bede's *Historia Ecclesiastica Gentis Anglorum*, with the epitome; and they promise us, within a few weeks, a second volume, containing Gildas, Nennius and Ricardus Divisiensis. For next year they have promised a complete collection of charters, synodal decrees, wills, and other documents, public and private, down to the Norman Conquest; and besides this, a complete collection of Alcuin's Letters. At the same time, they announce that a collection of state papers, letters, &c., is in preparation, in order to illustrate our history from the time of the Reformation.

As the Society comes before the public with large pretensions, it must lay its account in having its performance closely watched and narrowly tested. In order to this, we shall in-



quire what it proposes to itself to do; and for this purpose we shall call attention to the prospectus issued at its first formation. In the first paragraph it is said:—

“ It is the object of the *ENGLISH HISTORICAL SOCIETY* to print an accurate, uniform, and elegant edition of the most valuable English Chronicles, from the earliest period to the accession of Henry the Eighth. Together with these, it proposes to publish, simultaneously, a few additional volumes, containing the most important lives of Saints, Letters, State Papers, Historical Poems, the Proceedings of Councils and Synods, Papal Bulls, and Decretal Epistles.

“ Our Chronicles hitherto published are, for the most part, to be found only in the costly, inconvenient, and unsatisfactory collections of Parker, Savile, Camden, Duchesne, Twysden, Gale, Fell, and Hearne. The important treatise of Giraldus Cambrensis, ‘*De Instructione Principis*,’ and the continuation of Hoveden’s *Annals*, are printed only in Bouquet’s ‘*Recueil des Historiens des Gaules*.’ The ‘*Gesta Regis Stephani*’ occur only in Duchesne’s ‘*Historiæ Normannorum Scriptores Antiqui*,’ and the Chronicle of Ralph of Coggeshale is only to be met with in Bouquet’s voluminous work, or in the ‘*Amplissima Collectio*’ of Martene and Durand.

“ An objection still more serious than that above noticed is, that the texts of many of our Chronicles have been founded upon manuscripts of inferior value, and have been either carelessly transcribed, or injudiciously edited. The various readings furnished by other manuscripts of the same author have not been preserved; unsettled chronology has not been established, nor false chronology corrected; difficulties have not been explained; the reader has not been guarded against erroneous or contradictory statements; nor has any systematic attempt been made to assign to each historian the relative degree of importance to which he is entitled.

“ The evils resulting from this state of things are now generally felt and regretted; and it is natural that those who are interested in the History of their Country should be anxious to adopt measures for their removal. In order to keep pace with the extended and extending information of the times, it has become necessary to concentrate these scattered materials; to form more accurate and complete transcripts and collations of manuscripts; to supply the requisite annotations; and to subject the authenticity of each writer to a closer and more rational examination than has hitherto been applied to him.”

Concurring in all that is here laid down, and satisfied from long experience that the judgement passed upon these works is correct, we should look upon the remedy which the Society proposes to supply as a sufficient justification of its existence. It is however well known to those who have laboured in our great public repositories, and have carried their researches into the crypts of foreign libraries, that great masses of original

matter still exist, which have never been made available for the general purposes of the historian. These the Society also take under their protection :

" Besides re-editing, with greater accuracy, the principal early English Historians which have already been published, it is intended to print for the first time the more valuable of those Chronicles which at present exist only in manuscript. The greater number of these are anonymous, and of no great extent, though sufficiently numerous and important to warrant the Society in stating that it derives no inconsiderable portion of its claim upon public attention from this part of its intended proceedings.

" The historical works of the following authors are intended to be printed : Gildas, Nennius, Bede, Asser, Ingulfus, William of Poitiers, Gaimar, Eadmer, Simeon of Durham, Wace, Ordericus Vitalis, Florence of Worcester, William of Malmesbury, Richard and John of Hexham, William of Jumièges, Henry of Huntingdon, Ailred of Rievaulx, Jordan Fantosme, Geoffrey de Vinsaulf, Benedictus Abbas, William of Newburgh, Ralph de Diceto, Roger de Hoveden, Giraldus Cambrensis, Gervase of Canterbury, Ralph de Coggeshale, Roger de Wendover, Matthew Paris, William de Rishanger, Nicholas Trivet, Peter Langtoft, John de Trokelowe, Henry de Blanford, Thomas de la More, Adam Murimuth, Walter Hemmingford, John of Tynmouth, Thomas Elmham, Titus Livius, Robert Redman, Thomas de Walsingham, John Harding, together with others not here specified, and various historical works of which the authors are not ascertained."

It is, we think, very clear, that, if executed with any thing like accuracy, and with the light which modern researches have thrown upon the science of the historian, this would form a *corpus historicum* hitherto without its parallel. But the aims of the Society do not appear to stop short at this point. They are well aware that many other documents exist, whose importance is hardly to be appreciated, as filling up the canvass of the Chroniclers, and giving life and the varieties of light and shadow to what would otherwise be a meagre and comparatively uninteresting outline.

" Although the chief object of the English Historical Society be to reprint our early Chronicles, other classes of documents exist from which much important historical information may be deduced, and to which, therefore, its attention is naturally directed. These less known, although scarcely less valuable, materials have, for the most part, not only suffered from the carelessness or ignorance of their editors, but labour under a misfortune more peculiarly their own. They are scattered through an infinity of bulky and expensive works, of which by far the greater number are printed on the Continent, and are seldom to be met with in England, except in great Public Libraries. Supposing the modern historian has



made himself acquainted with the titles of such works as he believes may contain documents connected with his researches, he will soon find that a proper examination of these ponderous volumes (which he is seldom able to consult at his own residence,) demands the sacrifice of more time and trouble than he can well bestow upon the collection of materials. Even had we the benefit of works similar to those with which Le Long and Bréquigny have enriched the literature of France, this portion of the Society's plan would still be worthy of the national patronage. At present, however, left as he is without a solitary guide to direct his inquiries, the investigator of our early history may be presumed to be doubly grateful for having those materials presented to him in a full and arranged form, which it would otherwise have cost him so much labour and anxiety to collect.

"The documents which it is intended to print along with the *Chronicles* may be divided into *Lives of Saints*, *Proceedings of Ecclesiastical Councils*, *Letters*, *Bulls*, *State Papers*, and *Historical Poems*."

The prospectus thus proceeds to point out the value of these different kinds of documents, and their bearing upon its general objects and plan: and first of the *Lives of Saints*.

"I.—*LIVES OF SAINTS*. From the dawn of our history to the thirteenth century, there is scarcely a reign upon which the lives of saints do not throw important light, and sometimes they are the only source whence information upon points of much moment can be derived. Regarded in an historical point of view, the individuals whose biography is recorded frequently possess no inconsiderable claim upon our attention. Many of the persons whose lives are recorded exercised a paramount influence over the temporal as well as the spiritual affairs of the nation; this influence was not unfrequently exercised in such a manner as to bring its possessor into violent collision with his sovereign; and their historians are fortunately seldom so diffuse as when narrating the triumphs which their heroes gained over the secular power, or the constancy with which, if unsuccessful, they endured the persecutions to which they were subjected. How much of general history, for instance, do we not learn from the *Legends of Dunstan*? Who can undertake to write a history of William Rufus or Henry the First without the *Life of Anselm*; or will refuse to avail himself of the important information concerning Henry the Second which is contained in the '*Quadrilogus*'?

"Besides furnishing materials for General History, *Lives of Saints* abound with much curious information of another sort. They are almost the only specimens of biography which the middle ages have produced, and in them alone we find those minute traces of character for which we search in vain in the more dignified pages of the professed historian. The manners and customs, the dress, the amusements, and superstitions, the arts and sciences, the society and the literature, of our ancestors, are here faithfully, because incidentally, depicted. If a saint takes upon himself to supply the deficiency of an unproductive harvest, his exertions are



coupled with the mention of facts which illustrate the agriculture or political economy of the period; if he exerts his influence to procure the erection of a monastery, we are instructed in its architecture, paintings, and sculpture; from the cures which they performed, we gain an insight into the medical knowledge of the day; and it may be affirmed that there is scarcely a legend, however absurd, from which some information may not be gleaned.

“ These Lives being for the most part anonymous, it has been resolved to arrange them according to the period at which the subject of the biography lived. Such legends, however, as are ascertained to have been written by authors whose historical works occur in the series of Chronicles, will find a place in that series. For instance, the *Life of David* by Giraldus Cambrensis will not be disjoined from his other productions; the *Legends of Ninian*, Edward the Confessor, and David King of Scotland, written by Ailred of Rievaulx, will accompany his history; the biographies written by Eadmer will be associated with the ‘*Historia Novorum*,’ although relative to widely different periods of history. But, as has been previously stated, measures will be adopted to admit of a different arrangement by those who may prefer it.

“ Before leaving this division of the subject, it may be remarked, that our literature can furnish us only with John of Tynmouth’s ‘*Nova Legenda Angliæ*,’ printed under the name of Capgrave, in 1516, by Pynson, and the second volume of Wharton’s ‘*Anglia Sacra*,’ the first a mere abridgement, the second a selection. The great works of Surius in six volumes, of Bollandus and his successors in fifty-three volumes, and of Mabillon in nine volumes, all in folio, are fearful additions to the numerous works to be consulted by the student of early English History.”

We can add in corroboration of this, the practice of some of the first scholars of the Continent, who have made the greatest use of such documents, in their works upon the History of the Laws, Customs and Policy of various Kingdoms; especially referring to the second volume of Pertz’s *Monumenta*. We proceed to the other divisions of the Society’s plan:

“ II. The Proceedings of Ecclesiastical Councils contain much which comes within the plan of the Society. The affairs of Church and State were at an early period so involved together, that it is impossible to understand the one without the other. Councils contain the most authentic record of assemblies which legislated for the secular as well as the ecclesiastical power, and in their proceedings even kings took a share. Up to the Norman Conquest the selections will be copious, but from that period they will be more sparing.”

We merely stop to observe that the records of the Anglo-Saxon Councils, more especially referred to here, are not only

important to our civil and ecclesiastical history as a State, but that they contain the completest information we possess as to the tenure and descent of property in early times; in short, that without them and the charters of the kings, the formal laws of the kings are mere skeletons of codes. With regard to the charters, the Society remarks, in the general introduction to the first volume. "Early charters, especially those anterior to the Norman Conquest, furnish much important information which is not to be found elsewhere. From them we gain an insight into the political distribution of the island, its laws and institutions, the ranks into which its inhabitants were divided, and various other particulars of which no other memorials exist. They are, in another point of view also, of considerable value; since, by the aid of those witnesses whose names are affixed to charters of which the date is ascertained, we obtain the surest foundation upon which to rear a correct system of chronology. It is proposed to publish a copious selection of such as illustrate the Saxon period of our history, together with those which are of most importance up to the accession of King John."

The letters of men who have played a distinguished part in the history of Europe form also a legitimate object of the Society's attention. Of these, they thus speak:

"III. Letters afford very valuable materials for history. Those of Boniface, Alcuin, Lanfranc, Anselm, Becket, John of Salisbury, and Peter of Blois, abound in information which is not to be found in the chronicles; and yet not a single edition of these letters has been printed in England, although they have, for the most part, gone through three or four on the Continent. From the Reports and Proceedings of the Record Commission, it appears that the Tower contains a rich harvest of separate original letters, foreign as well as domestic, from the commencement of the thirteenth to the end of the fifteenth century. The Cottonian, Harleian, and Lansdowne Manuscripts in the British Museum; the State Paper Office; the Shrewsbury Papers in the Heralds' College; Wolsey's Correspondence in the Chapter House; and the rich collections of Tanner, Clarendon, Carte, and Ballard, during the reigns of Elizabeth and the Stuarts, will furnish many highly interesting documents."

The bulls of the various popes which are recorded in our monastic Chartularies contain matter of the most valuable description; naturally rendering us anxious to see a completer



collection of them. In fact, the history of England cannot be disjoined from the history of the Catholic Church throughout Europe; and we therefore concur entirely in the views announced by the Society on this subject.

"IV. The influence which, during the middle ages, the See of Rome possessed over the civil and ecclesiastical affairs of England, and the vigilance with which that influence was exercised, naturally led to the presumption that PAPAL BULLS must contain a great mass of information, especially upon those more important transactions in which the interference of the Pope was solicited or intruded. An examination of such of these Bulls as have been printed, leads us to regret that so many yet remain in manuscript. The Ecclesiastical Annals of Baronius and Raynaldi contain frequent allusions to instruments of the highest importance to this country; and it may be stated, upon the authority of an eminent foreign historian, who has enjoyed the rare privilege of examining the Papal '*Regesta*,' that they abound in letters, an acquaintance with which seemed to him almost indispensable to a correct knowledge of our early history. Means will be taken to obtain correct transcripts of these documents; if unsuccessfully, (for it must not be concealed that considerable difficulties interpose,\*) advantage will be taken of the prior labours of Baronius, Raynaldi, Cherubini, Cocquetil, Baluze, D'Achery, Ruinart, La Porte du Thiel, Bréquigny, and others. In editing these documents, it is proposed to omit the laboured and uninteresting exordium with which each is prefaced, for which the society may quote the precedent not only of Bouquet and his continuators, but even of Cardinal Baronius and Raynaldi.

All that remains to complete the Society's plan are the State Papers and Historical Poems, which may be briefly dispatched in their own words:

"V. State Papers, such as Treaties with Foreign Powers, Instructions to Embassadors, Official Reports, &c. should be included; more especially since the Commissioners of Public Records have discontinued the reprint of Rymer's '*Fœdera*,' the imperfections and inaccuracies of which are now generally acknowledged. In addition to the materials which the libraries and record offices of this country afford, steps have been taken to secure the transmission of faithful copies of those deposited in the French archives.

"VI. Historical Poems should find a place in this series. Although these are neither numerous nor very important, we may mention as specimens of their value, the contemporaneous poem upon the Battle of Hastings; Serlo's poems upon the capture of Bayeux and the battle of the

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\* The reader is referred to Andrew Stuart's Genealogical History of the Stuarths, (4to. London, 1738,) pp. 412—418, 425, 426, 448, and 468, for an interesting account of searches made in the Vatican and the Castle of St. Angelo for bulls relative to that family, which warrants the statement made in the text.



Standard; Minot's poems upon the principal events of the reign of Edward the Third; the poetical narratives by Gower and Maydstane of the insurrections in the time of Richard the Second."

Having said thus much of what the Society itself declares to be its object, it behoves us to test the execution of the volume which lies before us. And this will detain us the less, because, Beda's Ecclesiastical History having been frequently printed, our task is here merely to point out wherein the new edition is superior to its predecessors; and of its predecessors, Smith's, the most complete and accurate, is the only one which we think it necessary to particularize. As Mr. Stevenson's edition is founded upon the same MS. as Smith's, and as that MS. is nearly contemporaneous with Beda himself, there is but little variation between the two texts; Mr. Stevenson has however collated other very ancient MSS. which do not appear to have been used by Smith: he has also carefully examined the older printed copies, some of which represent MSS. which either no longer exist or are no longer accessible. Nor can there be much difference in the distribution of the matter, the divisions of it being prescribed by the MSS. themselves. The superiority of the new edition consists therefore in the accuracy of the chronological and historical notices and notes appended to every page, and in the information respecting the persons mentioned in the work, collected from subsidiary sources. It is well known that Beda very often uses the expressions "*Inter haec*," "*circa hoc tempus*," &c., and that great doubts have often arisen as to the dates of many events recorded by him, solely on account of this loose mode of expression. Now in every case Mr. Stevenson has given in the margin the date, as closely as it can be ascertained by the application of the chronological, astronomical and historical tests, availing himself of, and when necessary correcting, the laborious investigations of the Bollandists, Baronius, Pagi, the *Nouveau Traité de Diplomatique*, and similar works; and this, which materially adds to the value of the history, is a work of such difficulty and labour, as can only be conceived by those who are familiar with such researches.

Were this the only difference between the editions, it would be sufficient to secure the palm to that of the Society; but in addition to this, Mr. Stevenson has prefixed to his Beda a

critical introduction full of valuable notices respecting his author, and the sources of the *Historia Ecclesiastica* itself; in this he points out the matter derived from other authors, whether still extant or not; the portion introduced by Beda from personal knowledge; those for which he was indebted to the information of others, whether eye-witnesses or not to the facts recorded: finally he enumerates the public documents embodied in the work. By these investigations we are furnished with the means of judging of Beda's own authority in any particular case, and how far any fact recorded by him is to be trusted.

We have hitherto spoken of the Society merely as its members will be known to the public at large; viz., as the persons by whose means certain useful historical works will be made accessible at a reasonable rate. A much more important view of the case remains to be treated, namely, how far they are likely to supply the want of some responsible authority under whose auspices the same ends might be obtained; and how far they ought to be allowed to stand in the place of such an authority.

It appears, not only from the list of members, but also from the regulations of the Society which we have seen, and from the magnificent copy of Beda which has been sent to each member, that this Society is a private and limited one. Although it circulates copies of its books at a reasonable price, it appears that other copies, of a far more costly character, are reserved for those who form the Society itself. It seems therefore impossible to doubt that the basis of its very existence is not altogether free from that bibliomaniacal and exclusive nonsense, which has already done so much mischief in this country, by substituting a love of title-pages and books for a love of that which books contain. As little does it seem possible to doubt, that in this circumstance a very serious drawback exists, to the benefits which might otherwise reasonably be expected from a body of men containing so many names distinguished in historical literature. A hundred members, each contributing five guineas a year, furnish very insufficient funds for the prosecution of the great plan of the Society; and we presume and hope that little reliance is placed upon the results of the sale of books; for it is obvious that



the Society's books ought not to be such as would have, of themselves, attraction enough to ensure a profitable sale.

We believe then that the Council will sooner or later discover the funds of the Society to be insufficient. It is true that there is no house, no salaried officers, no library, no dinners; nothing, in short, of that which eats up, in the most unprofitable way, the funds of other societies. But the magnificent manner in which the books are got up, and the necessary expense of printing circulars, notices and the like, must very nearly consume the sum we have mentioned. Now it appears to us that if this be so, the Society will be placed in a very disagreeable predicament; it will hardly be able to hold out such a fair inducement to gentlemen, not members of the body, as to secure their services in the preparation of the works which it proposes to publish; while it will assuredly be unjust, in the highest degree, to expect the same services to be rendered gratuitously by qualified persons who happen to be members, and whose leisure and talents will thus be heavily taxed for the benefit of others.

If now it be proposed to remedy these inconveniences by increasing the available funds, we see only two ways in which this can be accomplished; viz. either by increasing the amount of the yearly subscription, or by admitting a much larger number of subscribers. With regard to the first of these plans, it seems not unreasonable to suppose, that a considerable increase of the subscription (say from five guineas to seven and a half or ten,) would tend to exclude from the Society several valuable members, and greatly diminish not only the sphere of its usefulness, but the chance of obtaining the services of persons competent to edit the Society's publications. On the other hand, we fear that the proposal to increase the number of members would be fraught with consequences equally fatal, by causing the withdrawal of some of those members, without whose co-operation it is, in many respects, the great misfortune of this country that nothing can be done.

The mischief results solely from the anomalous position of the Society, as a *private association* existing to accomplish *national objects*; and as there is nothing whatever but the good pleasure of the members to keep it together, and it possesses no principle either of coherence or continuance, we can-



not but look upon it as a very insufficient machinery for the carrying into effect the desired objects. To the question, therefore, whether such a body can replace the direct action of the Government of the country, we give a decided negative. One question then alone remains, viz. whether, supposing it possible, such a body *ought* to do so. To this our answer is equally decisive in the negative.

Without entering upon the large question, how far a Government is bound to interfere, or justified in interfering, with the course of literature in a country; and without insisting upon the necessity for a general Board of Education; we hold that it is the duty, not less than the interest, of every Government to provide for the safe keeping and proper publication of the national archives. Let our rulers only cast their eyes upon that very history whose cause we plead with them; and let them say what class of persons those are who have invariably endeavoured to destroy the records of the past, and cut off the later ages of their country from the earlier:—the Roebucks of our day, the somewhat less educated, and therefore more excusable, Cades and Tylers of the day gone by! We who, above all nations of Europe, are distinguished by the antiquity of our plastic institutions, whose constitution is the unwritten *corpus juris* of fourteen centuries, and the forms of whose establishments have their origin in ages whereof the memory of man runs not; we who exult in standing on the ancient ways, and cannot discuss one single point of administration or law without appealing to the principles and practice of our remote progenitors; we, above all men, require that sound and practical information should be furnished us of the growth, progress and development of our polity. Much, we will not deny it, especially of late, has been done for these objects; but much more ought to have been done, and much more would have been done, had the Government taken the matter up with zeal and prudence.

The public at large, to whom authors must look for support, are not the proper patrons of historical science: they cannot be so, because they are invariably partisans; because they invariably require amusement rather than sound knowledge; because their prejudices and their predilections are fleeting and changeable, and careless of the stern unbending

truth; finally, and above all, because the interests and occupations of the moment are with the public too exclusively objects of attention and pursuit. Who can doubt, for a moment, that Hume's History of England is more read than Hallam's or Lingard's; and who, that acknowledges this, can doubt the mischief that results, or the amount of falsehood that is afterwards to be eradicated?

Almost all the Governments, both of the ancient and modern world, have paid some attention to this point; and till within a very short period, ours has done so too. Of course, the safe keeping of the archives can never be neglected while those archives continue also to be the title deeds of property, and the precedents of law. But the proper selection and publication of historical matter from those archives has never been attended to as it should have been in this country; and since the "falling asleep" of the Record Commission, seems to be entirely lost sight of.

The principal reason why the undertaking of such a work ought to remain in the hands of Government, is the permanence and independence which a Government can give to the action either of bodies or individuals whom they select for the discharge of any particular duty. A voluntary collection of amateurs may disperse tomorrow, from a variety of causes; and the fruit to be expected from their labours will vanish with them. The uncertainty which thus clogs their proceedings; the doubt of their permanence; nay, the mere possibility of their ceasing to afford employment for talent and industry, necessarily destroys their chance of forming a school of historians, carefully educated to and qualified for the severe pursuits required of them. Besides which, a body collected from the public at large must waver and rise and fall with the popular feeling; nor do we see, in any possible constitution of such a body, any assurance that they will steadily hold themselves apart from political and other prejudices, and that they will content themselves with the unambitious position which the seeker after truth, and truth only, takes up between contending interests.

Moreover, the materials for our history, from the earliest to the latest periods, are, for the most part, deposited in places which are not as accessible, as might be desired, to the pri-



vate inquirer. Without throwing any slur upon the public bodies, or the still more anomalous bodies half public, half private, in whose keeping some of our most valuable records remain, it is undeniable that a Government Board has means of access to materials which are not always at the command of a private individual or a private association.

It is therefore our firm conviction, that if the Government of every country is bound to establish some body, (large or small, we care not,) for the purposes in question, the Government of this country is more especially called upon so to do; and this we assert the more boldly, because successive ministries, Tory and Whig, have recognised and acted upon this conviction. The only point which seems to involve any doubt, is the composition of such a body. To this point we therefore address ourselves; and it shall be our object to show, in as few words as possible, how such a body may be constituted so as to couple effectiveness in action with simplicity of machinery.

The first and most important condition of success is, that the *employés*, who know what is required to be done, should not be shackled by the pretensions and the mischievous meddling of those who do not. Our Board must therefore consist of working men, and working men only. Till they are free from the impertinent intrusion of those who wear blue ribands or red ribands of literature, they can never execute what the country has a right to require at their hands.

The next condition is, that there should not be a single person admitted on such a Board, except on condition of receiving a salary to be regularly brought before the House of Commons in the quarterly accounts. Without this, there is no responsibility. Parliament can never be so ungracious as to look closely into the proceedings of those who give their services gratuitously, and in a direction which by no means lies within the limits of any public or private duty; but Parliament both may and will ask, whether a salaried functionary performs the duties attached to his appointment. By this we understand also, that no person should form a part of such body who is not *bona fide* engaged in preparing such works for the press as fall within the compass of the Board's objects.

Our readers will easily perceive that our efforts are directed



to the getting rid of that pernicious patronage which is always exercised by irresponsible and unpaid commissioners; by means of which the most shameless jobbing is set on foot and perpetuated; which necessarily leads to a gross waste of public money, and to the undertaking of works useless in themselves, and ridiculous in the eyes of all learned Europe. And as a body of men all actually interested in the work of publication would, in its very nature, offer nearly a perfect guarantee against any undue preference of one man or one subject, so we would make that guarantee still more complete, by subjecting every one of their undertakings to the approval of the minister to whose department the Board might properly belong, whether, for example, to the Treasury or the Home Office, or whatever it might be; for, unfortunately, we have little reason to hope for the establishment of the ministry to which it would properly belong, namely, a Ministry of Public Instruction.

We propose that this body should be permanent, but not the individuals who compose it; their commission must be made renewable from time to time, to ensure strict attention to the duties which they undertake. But till the mass of historical records is made available for public uses, Government must pledge itself to keep the body on foot, for the purpose of ensuring a succession of persons proper to be employed in the task.

We do not mean to enter upon any details respecting the internal œconomy of our Board; its numbers, its immediate mode of action, and all such minor points being readily settled, when once the principle upon which it must be constructed is fairly understood: but we are well satisfied, when we look around us and sum up those who have proved their capacity to become members of such a body, that there would be no difficulty in finding proper instruments.

Nor is this the place to enter upon a detailed examination of the expense which might probably be entailed upon the country by our plan. It is enough to say, that a far smaller sum would suffice than has for many years been most unprofitably squandered upon objects similar in their nature; in short, that a Board of six persons, with an allowance of five thousand pounds per annum, would have ample means to ef-

fect something honourable both to themselves and the minister that established them.

The difference between our plan, and that which has been successfully pursued in Germany, is trifling. We have not, in our universities, a sufficient number of persons whose sole business it is to conduct historical inquiries, and found a school of historians; we have no laborious Benedictines, with their learned leisure, removed from, and independent of the wants and worry of everyday life; we have, finally, no society upon whose permanence reliance can be placed, and which is sure to be continually recruited from among the educated classes of the community; it is therefore to a Board of Archivists that we commit the task. The support and patronage of Government are necessary elements both in France, in Germany and in England; and this, given there, we claim here also.

The national character and peculiar education of Englishmen, not less than the circumstances of society, secure us against the evils which we believe to be inherent in the German system. There is no fear of our ever becoming mere bookworms. We run no danger of falling asleep while the echoes from our political and religious shocks are so loud. But another and as great a danger we do run; the danger, namely, of entirely forgetting the past in the present, and in our admiration of the flower and the leaf, neglecting the deep-seated root from which they sprung and have their sustenance.

Ours is no country of mushroom institutions; the past lives on, and breathes in every ordinance of the present, furnishing that broad basis upon which alone change becomes safe, and progress sure. But the lines grow dim in the long lapse of centuries; and were they not, from time to time, sharpened and renewed by the hand of some self-denying enthusiast, we might at last cease to recognise and to revere them. It is that this renewal may be accomplished with skill and certainty, that it may be left no longer to the precarious decision of chance, that we put forward our earnest appeal to the Government of this country, entreating them to furnish us with the opportunity and the means of entering upon a career in which we may outstrip those foreign competitors who now look back in scorn or pity upon us, lagging in the race.



## ARTICLE VI.

*Lower Canada.*

It is difficult, within the limits of a Review, to touch upon the Canadian question, in a manner satisfactory to those who are acquainted with the country, and intelligible to that larger portion of the community to whom Canada is emphatically a *terra incognita*, not only in its physical developments, but in its social and political relations. We feel this difficulty sensibly. Our earliest recollections are of a country where nature has traced on a gigantic scale the lineaments of a powerful empire; where a river, flowing from inland\* seas, fed by numerous tributary streams, unrivalled in beauty, and almost unparalleled in extent and usefulness, sweeps for 2000† miles through temperate latitudes, in a portion of the globe richly stored with mineral wealth, and marked by every diversity of climate that prevails between Sweden and central France,—where, in fact, Providence seems to have decreed that man shall reap an ample return

\* The word "Sea" means, in common parlance, a body of salt not of fresh water; it is, therefore, somewhat incorrectly applied to the Canadian Lakes. The word "Lake," however, would be equally incorrect, and would fail to convey a just idea of the extent of these "inland seas." Lake Superior is unequalled in magnitude by any collection of fresh-water upon the globe. Its length, measured on a curve line through the centre, is about three hundred and sixty geographical miles; its extreme breadth one hundred and forty; and its circumference, following the sinuosities of its coasts, about one thousand five hundred. Its surface is about six hundred and twenty-seven feet above the tide-water of the Atlantic. Various soundings have been taken from eighty to one hundred and fifty fathoms, but its extreme depth probably exceeds two hundred fathoms, thus showing the bottom of the lake to be nearly six hundred feet *below* the level of the ocean. Lake Huron is only second to Lake Superior. Lake Erie is about 265 miles long, 63½ wide at its centre, and 658 miles in circumference; its greatest depth varies from 40 to 45 fathoms. Lake Ontario is elliptical in its shape, 172 miles long, 59½ at its extreme breadth, and about 467 miles in circumference. The depth varies very much, but is seldom less than 3 or more than 50 fathoms, except in the middle, where attempts have been made with 300 fathoms without striking soundings.—*Bouchette's British Dominions in America.*

† The source of the river St. Lewis, which may be deemed the remotest spring of the St. Lawrence, is in latitude 48° 30' N. and about 93° W. longitude. From its source, the general direction of the St. Lawrence, through Lakes Superior and Huron, is south-east to Lake Erie,—which lies between 41° 30' and 42° 52' N. latitude,—nearly due east through that lake, and then north-east to the Gulf of St. Lawrence, through which its waters are mingled with the Atlantic ocean, after a course of upwards of 2000 statute miles. Ships of 600 tons burthen can ascend with very little difficulty to Montreal, which is 580 miles from the Gulf.—*Bouchette's British Dominions in America.*



for his industry, unless man himself shall mar the beneficent intentions of Providence.

In later years these early impressions have been somewhat rudely assailed, by hearing this portion of the Empire referred to as a few acres of snow in Canada\*, where now, as in the days of Goldsmith,

———“ Wild Oswego spreads her swamps around,  
And Niagara stuns with thundering sound.”

\* The accounts given of the climate of Quebec and the French settlements in the Gulf of St. Lawrence, after the conquest in 1759, are even at this day generally received as applicable to the whole of the country known by the name of Canada; whereas they are now scarcely applicable even to the parts which they then described;—it being a well-established fact, that the climate of America is rapidly changing with the clearing of the forests.—*The Canadas as they are.*

At Quebec, in lat. 46° 48' 49" N., the orchards yield apples and pears of very superior flavour. At Montreal, in lat. 45° 30' N., grapes are matured to great excellence, and peaches with care also arrive at perfection. At York, in lat. 43° 43' N., and in the Niagara and western districts of Upper Canada, still further south, all these fruits are found in the greatest luxuriance. The peach, the nectarine, and the grape seem here to have found their native soil, and are produced in the richest profusion. In Lower Canada the winter commences about the 25th of November in the regions about Quebec, and it may be said to last till the 25th of April, when agricultural operations are resumed. In the district of Montreal the permanent cold generally sets in a fortnight later, and the spring is earlier. In Upper Canada the winter is considerably shorter; and the snow, which in Lower Canada covers the ground for five consecutive months, scarcely lies for two in the upper province.—*Bouchette's British Dominions in America.*

Humboldt has endeavoured to connect the system of climates of the Old World with that of the New, by fixing at every ten degrees of latitude, under different meridians, a small number of places, whose mean temperature has been correctly ascertained, and through these, as so many standard points, supposing lines of equal heat, or isothermal lines, to pass. The observations which have been made on the temperature of places in the Eastern and Western Continents, show, that advancing seventy degrees to the east or west, a sensible alteration in the heat of the atmosphere is found. Places situated in the same latitudes in America and Europe, do not, however, differ so many degrees as has been generally supposed. The direction of these lines of equal heat, for the two systems of temperature known by precise observation, viz. that of the middle and West of Europe, and that of the East of America, gives the following differences:

Latitude.	Mean Temperature of the West of the Old World.	Mean Temperature of the East of the New World.	Difference.
30	70·32	66·92	3·60
40	63·14	54·30	8·64
50	50·90	37·94	12·96
60	40·64	23·72	16·92

In tracing the directions of isothermal lines, from Europe to the Atlantic countries of the New World, they are found to have the character of parallelism towards the South, and to converge towards the North. The whole of Europe, compared with the eastern parts of America, has, in fact, an insular climate; and, although the annual fall of rain in the United States of America has been es-

It has also been our lot, not unfrequently, to detect some respectable gentleman, whom railroads and steam-boats have failed to seduce further from the sound of Bow-bells than Birmingham or Margate; or some kindred spirit, who has never emigrated to a greater distance from his paternal acres, labouring under a vague impression that people go about in Canada with bows and arrows, as they do with walking-sticks in Europe, and exercise a divided dominion over the country with red Indians, bears, and tiger-cats. That this want of information reigns in full vigour only amongst the unlearned and untravelled, we freely admit; but it is surprising how many are included in that category; and, to a greater or less extent, the ignorance and prejudices we refer to, prevail with every one who has not crossed the Atlantic and visited the far-west. We therefore deem it not unprofitable to state, that "swamps" are undoubtedly to be found in the neighbourhood of Oswego just as "fens" are in Lincolnshire, though the flourishing town on the Oswego Canal, numbers many thousand inhabitants and is rapidly "progressing." Undoubtedly, too, even the awful noise of the Lord Mayor's coach passing over Cheapside on the 9th of November, is naught to the "Spirit of the Waters" speaking from the mighty Niagara. Nor can it be denied that bears and rattle-snakes exist in some parts of the country; the former affording excellent sport, with just enough of danger to give interest to the pursuit; while the latter are not unfrequently exhibited—"immensis orbibus Angues!"—twining round some juggler in as many harmless folds, as a plaster-cast of the Laocoon exhibits in Somerset House, to the secure and admiring citizen of London.

Let it not, however, be supposed that we mean to describe Canada as possessing all the advantages of a highly cultivated state of society. The comforts and most of the luxuries of life are to be obtained in its cities\*—but here the comparison

timated at 37·18 inches, while that in North Western Europe amounts to about 31·2 inches, the number of rainy days in the latter is much greater than in the former. In comparing the two systems of climates, we find at New York the summer of Rome and the winter of Copenhagen; at Quebec the summer of Paris and the winter of St. Petersburg.

\* Quebec is situated in a promontory that stretches on the north-west side of the St. Lawrence, 345 feet above the level of the river, into a basin formed by the junction of the rivers St. Charles and St. Lawrence. The upper town is built on this promontory, and within the fortifications, which are nearly three miles in circumference. The lower town is situated between the foot of the promontory and the river. The



ends. In a new country, possessing boundless tracts of land, yet covered with a primeval forest, in many places not even intersected by roads, and with natural resources not brought into action, the useful pursuits of life will necessarily supersede those, by which the genius, the manners and the customs of a people are, in the lapse of years, wrought into bold relief.

Even in the United States of America, where commercial enterprise and activity have called into existence so much general prosperity, those moral and physical attributes which, in their full development constitute a national character, have not yet ripened into maturity, and the Americans have failed to make advances in science, in literature and the Arts, in a ratio corresponding with their accumulated and increasing wealth. In painting they have undoubtedly produced clever artists, but they have displayed no original genius—there is

suburbs of St. Louis, St. John and St. Roche, extend beyond the fortifications on the opposite side of the upper town, and are densely inhabited, chiefly by French-Canadians and the labouring classes. The population is about 30,000, but in the summer months it is much increased by emigration from Europe, and the number of "lumber-men" who bring timber from the upper parts of the province for exportation. In the upper town are the Governor's residence, the barracks for the troops (generally two or three regiments), Protestant and Roman Catholic churches, convents, public offices, the houses of the officers of government, and of the principal merchants. The lower town is devoted to business. Here are the Banks of Quebec, a branch of the Montreal Bank, the Custom House and the Exchange. The wharfs are very extensive, and in the space of one year 800 ships of every size have arrived with goods and emigrants, and taken their departure with the produce of the country. Large steamers run to Montreal, and those which have been lately built equal in elegance and power any used in the world for internal navigation. Two of them arrive and take their departure every day.

The banks of the river St. Lawrence for about 90 miles above Quebec are bold and precipitous. The river then widens, and is known by the name of Lake St. Peter, and from thence to Montreal the shores are lower. The scenery throughout is picturesque and beautiful, and both sides of the river are covered with villages, whose churches are seldom out of sight. These villages are inhabited almost exclusively by French-Canadians; and the population is in some places as dense as in the most thickly-peopled agricultural districts of Europe.

Montreal is 180 miles above, or to the south-west of Quebec, and is built on an island of the same name, 32 miles in length and ten broad. The two principal streets are Notre Dame and St. Paul. The former runs the whole length of the town, and from the Quebec to the Recollet Suburbs forms a continued street 1344 yards in length and 30 broad. Montreal contains numerous churches, chapels and public buildings. The principal are the Hôtel Dieu, the Convent of Notre Dame, the Montreal General Hospital, the Hôpital des Sœurs-Grises, the Recollet Convent, the Convent of Grey-Sisters, the Seminary of St. Sulpice, the New College, the English and Scotch churches, and the Government-House. The new Roman Catholic Cathedral, on the Place d'Armes, ranks amongst the first buildings in North America. The corner stone was laid on the 3rd of September 1824. It is built of granite, which is found in abundance in the mountain from which the city takes its name, and it contains seats for a congregation of 10,000 persons.—*The Canadas as they are.*—*Bouchette's British Dominions in America.*



no "American School." In sculpture they are unknown, we believe, even as copyists. Their infant literature, with a few exceptions, is more English than American; and, although many of their public speakers are shrewd lawyers, or keen and intelligent political debaters, not one has put forward any just claim to the higher attributes of oratory. The United States of America have not yet, in fact, passed into the adult age of nations. Their people, from the force of circumstances, rather than by the operation of their institutions, are utilitarians in the more contracted meaning of the word; and this will be the case until the rough and angular points of their social position are rounded by time, and the general diffusion of refinement shall call for those mental enjoyments which are sought for and produced in the later years of national existence.

Deeply and broadly, in the mean time, have the Anglo-Saxon race laid the foundations of freedom and civilization in the North American continent. Useful though common education is more generally diffused than in Europe. Christianity has taken deep root. The principles of self-government in local and in general affairs have trained men in the exercise of their public duties—have taught them the value of social order, and given security to person and to property.\* Cold then must be the heart, and narrow and selfish the mind, that can look with indifference on a country, "in which, one of the greatest political experiments in the history of the world is now performing."—Hypercritical and fastidious the taste, that can record the Backwoodsman eating his fish with a knife instead of a silver fork, or helping himself unceremoniously to the wing of a chicken; and yet fail to draw a comparison between the security and freedom he enjoys, and is the means of extending to others, with the violence and barbarism that have distinguished the infancy of other states.

"The national character is yet in a state of fermentation; it may have its frothiness and sediment, but its ingredients are sound and wholesome;

\* The abolition riots, the piratical incursions on the Canadian frontier, and the occasional infliction of "Lynch-law," seem to militate against this opinion; and, unless a moral or physical power be found to prevent the recurrence of such events, they will, undoubtedly, seriously affect the peace and security of American society. We believe that such a controlling power will be found if the evil continue; while up to the present time, these disgraceful occurrences, though too frequent to be passed over in silence, cannot in justice be considered as more than exceptions to the general good order that prevails.

it has given proofs of powerful and generous qualities; and the whole promises to settle down into something substantially excellent. But the causes which are operating to strengthen and ennoble it, and its daily indications of admirable properties, are all lost upon these purblind observers, who are only affected by the little asperities incident to its present situation. They are capable of judging only of the surface of things; of those matters which come in contact with their private interests and personal gratifications. They miss some of the snug conveniences and petty comforts which belong to an old, highly finished and over-populous state of society, where the ranks of useful labour are crowded, and many earn a painful and servile subsistence, by studying the very caprices and appetite of self-indulgence. These minor comforts, however, are all-important in the estimation of narrow minds, which either do not perceive or will not acknowledge that they are more than counterbalanced by great and generally diffused blessings."—*Washington Irving's Sketch-Book*.

Such, in our opinion, is independent America; and, following in the same path, though with unequal steps, and marked by some unfavourable peculiarities, such is the state to which Canada is approximating.

With these preliminary remarks, we shall proceed with the difficult task of tracing to their true source the unhappy events which have lately taken place in Canada. "How inadequate and unsuccessful," says Lord Bacon,\* "that human knowledge is, which we have at present in use, may appear from things commonly asserted. It is certain that the true knowledge of things is the knowledge of causes." It is the absence of this "knowledge of causes" which has, in our opinion, contributed so much to perplex the discussions on Canada, and which has exercised so baneful an influence over the welfare of our Canadian provinces. It would at the same time be presumptuous in us to assume that we can supply knowledge so desirable, when Parliamentary Committees and learned and Salaried Commissioners have failed, it would seem, to do so†; yet shall we bring to the inquiry some local acquaintance with the country, and an earnest desire to direct the public mind to the right path.

Mr. Roebuck, with the zeal of a partizan, exclaims:—

—"The officials of that country I am about to speak of;—a party, which, backed by the powers of the Colonial Office, have been the cause of all the dissensions and difficulties that have arisen‡."

\* Nov. Organum, vol. i. p. 159.

† If not, why is Lord Durham sent to make further inquiries, and why does not Parliament proceed at once to legislate?

‡ Speech at the Bar of the House of Commons, 22nd January, 1838.



And again we find him stating at the Bar of the House of Lords :—

" It is the fashion, my Lords, to talk of the ignorance of the Canadian people ; and assertions are recklessly hazarded, which greater knowledge of that people, and of their actual condition, and also of the true criterion of education, would altogether have prevented. . . .

" America, at this moment, is governed by habits of thought and feeling,—fostered, perpetuated and extended by that remarkable band of religious and political enthusiasts who originally settled New-England, and whose sons now swarm in every part of the great federal Union of the United States. *The political creed of these men has in fact become the political creed of the whole Continent, and is entertained as well by the descendants of the French Colonists on the banks of the St. Lawrence and the Mississippi, as by the immediate heirs of those emigrants of English descent who took possession of the lands bordering on the Hudson and Connecticut\*.*"

Inspired, it may be supposed, by the example of his friend, and in some degree sanctioned by his authority—redolent of the lamp which had thrown its kindly light over his inquiries—Mr. Leader deemed it consistent with History, which teaches by example, and not forbidden by good taste, to caricature the eloquence of Chatham, and to astound the House of Commons and the public, by declaring ; "*I rejoice that the Canadians have resisted ! Half a million of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest†.*" Similar opinions were expressed during the debates on the Canadian question, by Mr. Hume, Mr. Warburton and Mr. Grote.

Against the correctness of these opinions we beg leave to enter a most emphatic protest ; and jejune and imperfect will any legislative measure be which assumes them to be sound, or deals with the administrative errors of the colonial government of Quebec, and the abuses of the colonial office in Downing Street, as the only difficulties to be overcome. We seek not, however, to defend or palliate the errors of the one, or the abuses of the other. With Mr. Roebuck, we indignantly condemn the petty tyranny which has so frequently galled a somewhat impatient but generous people. With him we denounce the corruption which, in defiance of their just

\* Speech at the Bar of the House of Lords.

† *Mirror of Parliament* for 1838, p. 1034.



claims, has insultingly promoted to places of honour and trust the bankrupt relation of some powerful nobleman, or the licentious familiar of his hours of profligacy—the political fraud which has sought, and with some success, to reward with the provincial revenue the servile tools who were destined to organize this system of misgovernment. It would be absurd, moreover, to deny that such deeds have produced disastrous effects on the public mind, and have loosened the links which bind the colony to the parent state; but to refer to them as the cause of *ALL* the difficulties that have arisen, betrays either a lamentable absence of the “knowledge of causes,” or a want of candour, still less excusable, on a question confessedly of national importance.

Admitting, then, the existence and deprecating the continuance of these abuses, it shall be our endeavour to show that they ought to be classed rather as effects than causes; and that the peculiarity of the Canadian question, as well as the essential difference between it and the disputes with our former American colonies, consists in this—that the people of the New-England provinces were of *one race*, while in Canada the Anglo-Saxon and the Norman\*, in every condition of life, at the bar and in other professions, in the pursuits of commerce and of agriculture, in the struggle for political power, have revived,—on a small scale indeed, and in a remote province, but still with much excitement of feeling,—the national jealousy and the personal rivalry which marked the collision of the two races in England, at the time of the Conquest.

As we consider this an important view of the question, it shall be our endeavour, by a few brief notices of the early history of New-England and of Canada, to show that there is evidence of its being a true one; and it will, we hope, be made obvious to our readers, that widely different must be the manners, the customs and the prejudices, of the two races in Canada at this day, when he bears in mind that the effect of every legislative measure passed by us has been to sharpen and give an edge to points of difference—to prevent amalgamation, not to promote union.

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\* The Canadians, for the most part, came from Normandy, and bear a striking resemblance to the people of Normandy of the present day.

The majority of our colonies have been first inhabited by men without education, driven by poverty or misconduct from their native land, or by adventurers anxious to improve their fortune; but the settlement of New England was distinguished by peculiar circumstances, and all the events attending it were novel and unprecedented. The settlers belonged to the more independent classes in their native land. Their union on the soil of America presented the singular phenomenon of a society containing neither lords nor common people, neither rich nor poor; and they possessed, in proportion to their numbers, a greater amount of intelligence than was to be found in any European nation of their time.

The emigrants, or as they deservedly styled themselves, "the Pilgrims," belonged also to that sect, the austerity of whose principles had acquired for them the name of Puritans. But puritanism corresponded in many points with the most absolute democratic theories. It was this tendency which had excited its most dangerous adversaries; and persecuted by the Government of the parent state,—disgusted by the usages of a society opposed to the rigour of their own principles,—the puritans went forth to seek some rude and unfrequented part of the world, where they could express their opinions with freedom, and worship God in their own manner.

The emigrants were about 150 in number, including the women and the children. Their object was to plant a colony on the shores of the Hudson; but after having been driven about for some time in the Atlantic ocean, they were forced to land on that arid coast of New England which is now the site of the town of Plymouth. The rock is still shown on which the pilgrims disembarked.\*

Nathaniel Morton, the historian of the first years of the settlement of New England,† thus describes the situation of the "Pilgrims:"—

"Let the reader with me make a pause, and seriously consider this poor people's present condition, the more to be raised up to admiration of God's goodness towards them in their preservation: for being now passed the vast ocean, and a sea of troubles before them in expectation, they had now no friends to welcome them, no inns to entertain or refresh them, no

\* This rock is become an object of veneration in the United States. Bits of it are carefully preserved in several towns of the union.

† New England's Memorial. Boston, 1826.



houses, or much less towns to repair unto to seek for succour : and for the season it was winter, and they that know the winters of the country know them to be sharp and violent, subject to cruel and fierce storms, dangerous to travel to known places, much more to search unknown coasts. Besides, what could they see but a hideous and desolate wilderness, full of wilde beasts and wilde men ? and what multitudes of them there were they then knew not ; for which way soever they turned their eyes (save upward to Heaven) they could have but little solace or content in respect of any outward object ; for summer being ended, all things stand, in appearance, with a weather-beaten face, and the whole country full of woods and thickets represented a wilde and savage hew ; if they looked behind them, there was the mighty ocean which they had passed, and was now as a main bar or gulph to separate them from all the civil parts of the world."

This state of things, it must be admitted, was sufficiently discouraging, and such as would have reduced ordinary minds to despair, or have urged the mere enthusiast to deeds of extravagance that would have led to his destruction. But the piety of puritanism was not altogether of a speculative character ; it took cognizance of worldly affairs ; and, as the records of our civil wars and of the commonwealth abundantly show, it was scarcely less a political than a religious doctrine. No sooner, therefore, had the emigrants landed on the barren coast described by Nathaniel Morton, than they formed themselves into a society by the following instrument :

" In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, &c. &c., Having undertaken for the glory of God, and advancement of the Christian faith, and the honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia ; Do by these presents solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politick, for our better ordering and preservation, and furtherance of the ends aforesaid ; and by virtue hereof do enact, constitute and frame such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the Colony : unto which we promise all due submission and obedience."

This was in the year 1620, and from that time the colony rapidly advanced.

In studying the laws, says M. de Tocqueville, which were promulgated at the first era of the American republics, it is impossible not to be struck by the remarkable acquaintance with the science of government, and the advanced theory of legislation which they display. The ideas there formed of



the duties of society towards its members are evidently much loftier and more comprehensive than those of the European legislators at that time: obligations were there imposed which were elsewhere slighted. In the states of New England, from the first, the condition of the poor was provided for\*; strict measures were taken for the maintenance of roads, and surveyors were appointed to attend them†; registers were established in every parish, in which the results of public deliberations, and the births, deaths and marriages of the citizens were entered‡; clerks were directed to keep these registers§; officers were charged with the administration of vacant inheritances, and with the arbitration of litigated land-marks; and many others were created, whose chief functions were the maintenance of public order in the community||. The law enters into a thousand useful provisions for a number of social wants, which are, at present, very inadequately felt in France.

But it is by the attention it pays to public education that the original character of American civilization is at once placed in the clearest light. "It being," says the law, "one chief object of Satan to keep men from the knowledge of the Scripture, by persuading from the use of tongues, to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth, the Lord assisting our endeavours\*\*"

Here follow clauses establishing schools in every township, and obliging the inhabitants, under pain of heavy fines, to support them. Schools of a superior kind were founded in the same manner in the more populous districts. The municipal authorities were bound to enforce the sending of children to school by their parents; they were empowered to inflict fines upon all who refused compliance; and, in cases of continued resistance, society assumed the place of the parent, took possession of the child, and deprived the father of those natural rights which he used to so bad a purpose††.

\* Code of 1650, p. 78.

‡ Hutchinson's History, vol. i. p. 455.

|| *Ibid.*, p. 40.

† *Ibid.*, p. 49.

§ Code of 1650, p. 86.

\*\* *Ibid.*, p. 90.

†† The preceding remarks, on the early settlement of New England, are taken almost verbatim from M. de Tocqueville's *Democracy in America*,—a work not less remarkable for its historical accuracy, than for its profound and philosophical views.

We have thought it necessary to trespass with these notices of the early settlement of New England; but it would be foreign to our object, as it would exceed our limits, to trace the rise and progress of the colony from the year 1620, when the emigrants landed at Plymouth, to the year 1776, when, increased in power, in wealth and population, their descendants declared themselves "free and independent," and, for the support of that declaration, "mutually pledged their lives, their fortunes and their sacred honour." Nor is it necessary to repeat here what history has recorded of the Anglo-American people, after the last hostile soldier had quitted their shores. It is sufficient to observe, that although most of their cities were desolate, their commerce crippled, their agriculture neglected and in some parts destroyed, they neither disgraced the cause of freedom by relapsing into anarchy, as their South American neighbours have done, nor, like the French, sought refuge from disorder under a military despot. But, following the example of their pilgrim ancestors, they again formed themselves into a "civil body politick," and founded a federative empire, which seems destined to spread over a vast continent, and to hand down to posterity the name, the language and the laws of England.

We point, nevertheless, to these events as the legitimate consequences of the principles asserted and promulgated at the first settlement of the country—we refer to them as the practical results of self-government, whether under a limited monarchy or in a republic, where men are sufficiently intelligent to understand the foundation on which that system can alone be securely based, and sufficiently energetic to defend it, when once established. We shall now endeavour to show, by a sketch of the early settlement of Lower Canada, by a reference to the laws and usages which France introduced, and by the comparison we invite between the principles of centralization which distinguished her colonial government and the self-government of the Anglo-Americans;—

1. That the habits, the manners, the moral education and the prejudices of a people trained under the French administrative system, must be totally different from those of the Anglo-Saxon race.

2. That the geographical position of the provinces, and the necessity of promoting the amalgamation of the two races, as



the only means of securing the permanent welfare of both, demand that Upper and Lower Canada should be united under one executive government, and that the representatives of the English and French populations should meet in the same legislative chamber.

The first authentic record of any attempt made by the French to form a settlement in Canada, may be traced to the year 1540. A commission, dated the 17th of October in that year, was granted by Francis I. to *Jacques Quartier*, "pour l'établissement du Canada," and as a translation of this document would very inadequately represent the quaint expressions and obsolete dialect of the original, we quote in French an extract from the recital it contains, of the grounds and reasons which moved the royal Francis to send his faithful subject on so hazardous an expedition.

"François, par la grâce de Dieu Roi de France : A tous ceux qui ces présentes lettres verront ; Salut. Comme pour le désir d'entendre et avoir connoissance de plusieurs pays qu'on dit inhabités, et autres être possédés par Gens Sauvages, vivans sans connoissance de Dieu, et sans usage de raison, eussions dès pie-ça, à grands frais et mises, envoyé découvrir les dits pays par plusieurs bons pilotes, et autres nos sujets de bon entendement ; et entre autres y eussions envoyé notre cher et bien aimé *Jacques Quartier*, lequel aurait découvert grands pays des terres de Canada et Hochelaga faisant un bout de l'Asie du côté de l'Occident ; lesquels pays il a trouvés (ainsi qu'il nous a rapporté) garnis de plusieurs bonnes commodités, et les peuples d'iceux biens fournis de corps et de membres, et bien disposés d'esprit et entendement ; en considération de quoi et de leur bonne inclination nous avons avisé et délibéré de renvoyer le dit *Quartier*," &c. &c. Commissions des Gouverneurs et Intendants, &c. &c., servant en Canada, tome ii. pp. 1 & 2\*.

It does not appear, however, that the exertions of *Jacques Cartier*†, though clothed with the title of "Captain-General and Master-Pilot," were attended with much success ; and we refer to his expedition rather because his name is associated with the earliest records of the colony, than on account of any important results by which it was immediately followed. Up to the year 1627, a miserable establishment of only

\* See also "Histoire de la Nouvelle France," par l'Escarbot, and "Mémoires sur les Possessions en Amérique," tome iii.

† A river which empties itself into the St. Lawrence, above Quebec, is called the "*Jacques Cartier*," and will help to perpetuate his name in the Provincial Annals. Its wooded banks and picturesque course, broken by rapids, are well known to the Canadian traveller.



forty or fifty persons had been formed, and such was the destitute condition and want of resources of these early colonists, that they were dependent, even for their existence, on the supplies sent annually from France for their maintenance. In this year\* the attention of Richelieu appears to have been directed to the new colony; and the powerful mind that could control, if not subdue, the jarring elements of civil and religious strife in the parent state, did not overlook the difficulties which retard the progress of an infant settlement. Under the auspices of the Cardinal†, at that time "Superintendent-General of the Navigation and Commerce of France," a company of merchants, consisting of one hundred associates or partners, was formed to promote the commerce and colonization of Canada; but their efforts were unsuccessful, and the Province was finally surrendered to the French Government by this Company in the year 1663‡. An ordinance was then passed by Louis XIII. establishing a Superior Council for the government of the country called "New France." It consisted of five§ persons, nominated annually by the Governor and the Bishop or principal ecclesiastic of the Province; and to this Council was given not only a legislative power, subject to the ultimate control of the parent state, but also a supreme jurisdiction in civil and criminal cases; it being ordered, that in hearing and deciding upon such cases, the Council should proceed, as nearly as possible, in the manner and form prescribed by the usages of the Parliament of Paris.

As this ordinance was of great importance, not only to the existing state of the colony but to its future welfare, and as it in fact introduced a system of jurisprudence, which to this day is the common law of Canada in civil matters, its

\* Acte pour l'établissement de la Compagnie des Cent Associés.—*Edits et Ordonnances*, tome i. p. 1.

† In 1629 Canada was taken by the English under Kirk, but was then held in so little estimation, as to be returned to its former owners, in three years afterwards.

Le Conseil de Louis XIII. tenait aussi si peu à cet établissement, qu'il opinait à ne pas en demander la restitution; mais Richelieu, qui avait fondé la dernière compagnie, fit changer d'avis. On arma six vaisseaux pour soutenir cette demande, et la Cour d'Angleterre, d'après le conseil de Lord Montague, rendit le Canada aux Français en 1631.—*Beautés de l'Histoire du Canada*, p. 84.

‡ Arrêts du Conseil d'Etat du Roi, &c. 1663.—*Edits et Ordonnances*, tome i. p. 21.

§ The number was increased to seven in 1675, and certain public officers were made official members.

provisions demand some attention, and invite a comparison between their character and tendency, and the social and political regulations of the pilgrims of New England. The English emigrants *formed themselves* into a "Civil Body politic," and *mutually covenanted* to observe such laws and regulations, as the maintenance of social order, and the security of their little commonwealth demanded. In the French colony the crown and the church combined to select five fit and proper persons, who held their office for one year, to assist the Governor and principal ecclesiastic in the performance of their legislative functions; and the ordinances passed by this body were subject to ultimate revision by the central authority of the King's government in Paris. M. de Tocqueville\* has borne testimony to the astonishing fact, that many of the laws of the "Pilgrim Fathers" provided for social wants, but imperfectly understood and appreciated in France at the present time. The laws introduced into Canada by the ordinance of 1663, were the feudal customs and usages of the *Coutume de Paris*.

We will not inflict upon our readers a minute investigation of the usages which prevailed in the "*Viscomté de Paris*," and which were thus introduced into Canada. The juridical division of France in the year 1663 is well known. In the "*Pays du Droit Ecrit*," the Roman law, with some modifications, may be said to have been the common law of the district. In the "*Pays Coutumier*," the feudal customs of the Franks, and of the other northern tribes that overran France, supplanted almost entirely the Roman civil code. The collection of usages known by the name of the Customary Law of Paris, partook largely of the feudal character, and was less intermixed with the Roman Law than the local customs of the more southern provinces of the kingdom†. All lands were in consequence granted either "*en fief*,"—as manors, clothed with most of the rights and privileges of feudality; or "*en roture*,"—by a villenage tenure, subject to the "servitudes," whether honorary or beneficial, which the law exacted from the vassal to his lord paramount; and nowhere

\* Tocqueville's Democracy in America, vol. i. p. 41.

† See Coutume de Paris—Titre, Des Fiefs. Art. 1 to Art. 72. Titre, Des Censives et Droits Seigneuriaux. Art. 73 to Art. 87.



did the ancient feudal maxim—“*nulle terre sans seigneur*”—prevail more decidedly than in the colony of New France. The mutation fines payable to the lord on the sale of inheritances, and the right of pre-emption reserved in certain cases to the lord and to the relations of the vendor, are among the incidents to this tenure, which have produced important results in Canada. Their obvious and inevitable effect has been, to check the transfer of property in a new country; to retard improvement; to prevent the development of natural resources, by confining the settler to the farm which was first granted to him; and, as a more remote result, to produce that condensed agricultural population—unnatural amidst boundless tracts of uncultivated land—which is so remarkable in Lower Canada, and which contrasts so unfavourably with the stirring character of the Anglo-Saxon population in the United States.

A system of mortgages, or hypothecations\*, was also introduced into the province by the Customary Law of Paris, the very reverse of that which obtained in the New-England settlement. In the latter, registration offices were established, by means of which the incumbrances on an estate might be immediately ascertained. In the Canadian province, no registration of deeds was required, although hypothecary obligations—whether created by mere operation of law, as the legal or tacit mortgage, by which the rights of a minor or of a married woman are secured upon the estate of the husband or guardian—or the conventional mortgage, created by the act of the parties themselves—affected not only the whole of the mortgagor's immoveable property in possession, but all that he might afterwards acquire. This law of mortgages, even at the present day, renders it almost impossible to obtain a good title to an estate in Lower Canada. The effect on the social condition of the inhabitants has been, to fetter industry; to produce forced sales of property for the payment of debts of comparatively small amount; and to clog and embarrass the exertions of the settler in his attempts to subdue the natural difficulties of his position.

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\* Coutume de Paris—Titre, Des Actions personnelles et d'Hypothèques. Art. 99 to Art. 112.



The matrimonial community of property\*, by which one half of the earnings of the husband during coverture, may, after the death of his wife without children, be claimed by her next of kin in his lifetime, might also be mentioned, with other usages of the "Custom of Paris," not only as instances of unjust laws in the abstract, but as regulations pregnant with mischief to the moral and social condition of a people.

There is no trace in the French colonial annals of the establishment of parochial schools, nor of any general system of education, supported either by local rates, or from the taxes levied by the supreme council. Education, such as it was, fell almost as a necessary consequence, under the exclusive control of the church; and its pious exertions were directed rather to instruct fit persons for the priesthood, than to extend general information amongst the colonists†. By a united effort of M. de Pétrée, Bishop of Canada, and of the King of France at Paris, the seminary ‡ of Quebec was established on the 26th of March 1663. The following extract from the letters patent, promulgated by his lordship the bishop on that occasion, will clearly show the principal object for which this college was founded.

"In which," (the new seminary) "shall be educated and trained young clerks, who shall appear fit for the service of God, and to whom, for this purpose, shall be taught the manner of administering the sacraments; the method of catechising, and of preaching moral theology, according to apostolical doctrines; the ceremonies of the church; the full Gregorian chaunt; and other matters, appertaining to the duties of the good ecclesiastic."§

A seminary of ecclesiastics, of a similar character, was established in the year 1677||, in Montreal, and the whole of the island and *Seigneurie* of that name were granted to this establishment in mortmain. It was subsequently united to the seminary of St. Sulpice at Paris¶, and a supply of priests for

\* Coutume de Paris,—Titre De Communauté de Biens. Art. 220 to Art. 246.

† We are aware that this remark does not apply, at the present day, to the Roman Catholic seminaries of Quebec and Montreal, where many students receive an excellent education. But this is a comparatively modern practice, and even now these seminaries are attended, almost exclusively, by the town population, or by the sons of the wealthier seigneurs and merchants. An Act of the Provincial Legislature was necessary to introduce parochial schools a few years since—a sufficient proof that no local provision existed for their maintenance.

‡ Edits et Ordonnances, tome i. pp. 25 et 26.

§ *Ibid.*, tome i. p. 80.

§ *Ibid.*, tome i. p. 26.

¶ *Ibid.*, tome i. p. 301.

religious and educational purposes was periodically sent from France, and has with some interruption been continued to the present time. These, we believe, were the only provisions for education made by the French Government; and it must be obvious, that in a new country, with few roads and a scattered population, they could but imperfectly supply the absence of parochial schools.

The indefatigable Jesuits were not slow in introducing themselves into the colony, and it is scarcely an exaggeration to say, that the quadrangular college they built in the Upper Town of Quebec, was sufficiently spacious to contain the whole population of the colony at the time of its construction. Extensive tracts of land were granted to them in mortmain\*, which, upon the extinction of the order in 1764, were claimed by the Crown of England. The "Jesuits' estates" have, however, been a fruitful source of contention between the Government and the House of Assembly, and they have of late years been surrendered to the provincial legislature for purposes of education.

There was also an establishment of Recollet Monks of the order of St. Francis†; and convents of nuns, and hospitals for the relief of the sick, under the care and superintendence of religious persons, were, according to the Roman Catholic usages in the 17th century, introduced, on a scale that strikes the inquirer into the early records of the province, as strangely disproportioned to the number of its inhabitants and their probable necessities. A parochial clergy‡ was also established, and their support was provided for in their respective parishes by a contribution of one twenty-sixth of all the grain produced; the parishioners being further subject to occasional assessments for building and repairing churches and parsonage houses. The patronage of these churches was given to the bishop§.

It is impossible not to be struck with the contrast afforded by the system of government—civil and religious—we have

\* Amortissement en faveur des R. R. P. P. Jesuites.—Edits et Ordonnances, tome i. p. 90.

† The Recollets were one of the four branches of the "Seraphic order of St. Francis." See *Histoire des Ordres Monastiques*, tome iii. p. 265.

‡ Edits et Ordonnances, tome i. pp. 243-314.

§ Arrêt du Conseil d'Etat du Roi qui accorde le patronage des Eglises à Monseigneur l'Evêque.—Edits et Ordonnances, tome i. p. 292.

thus imperfectly shadowed out, when compared with the democratic principles of the Pilgrims of New England; and unless we assume that human nature is governed by laws, and subject to impulses in Canada, different from those which influence it in other countries, the conviction is forced upon us, that these institutions must have produced their ordinary and legitimate effect, in moulding the character and forming the opinions of the people. In dealing with the Canadian question, we further infer from these premises, that an anomalous state of society is brought under our notice, which can find no parallel in the condition of our former American Colonies, at the time of their separation from England.

The facts whereby we can judge of the correctness of these opinions, and form an estimate of the habits and manners of a people, placed in a distant colony in America in the 17th and 18th centuries, must necessarily be scanty, but they are not altogether wanting. The history of Father Charlevoix the Jesuit, treats of the material wants of the colonists, of the vicissitudes that attended their wars with the English and the Indians, and of their exertions to bring the new settlement into cultivation, rather than of their social habits and character. We turn, therefore, to their own records—to the ordinances that were promulgated, and the decrees that were pronounced by their supreme council; and there we find abundant evidence to show, that the absolute government under which they lived, the temporal and spiritual power of their ecclesiastical establishments, the feudal privileges of the "*Seigneurs*," though modified by local circumstances, were actively producing the same results as in other countries. The legislator and the jurist, who dive into these sources of information, will be convinced of the truth of this proposition; but for the general reader we shall endeavour to select an example, which will place in strong relief the lights and shadows of social life in the early settlement of Canada, and will tend to illustrate the important matters which challenged and received the attention of the French King's Government, both in the colony and in France.

Various discussions and heart-burnings had evidently arisen in the new colony, on that most delicate and exciting of all subjects in provincial society—rank and precedence; and the



honours to be conferred by the appropriation of seats, or by other marks of distinction in churches, seem more particularly to have engaged the attention of the inhabitants. The supreme council at Quebec appears to have found this too difficult a matter to deal with, and the authority of the central government in France being invoked, a regulation was promulgated by the Duke of Orleans, at that time Regent of France, not unworthy of the future Court of Louis XIV. We give the following extract.

“ BY THE KING.

“ His Majesty having caused all the ordinances and regulations, that have been promulgated on the subject of honorary distinctions in the churches of New France to be communicated to him, and being desirous to prevent the contests which daily arrive on this account, with the advice of His Royal Highness the Duke of Orleans his Uncle Regent, has resolved and ordered as follows :—

“ 1. The Governor general and Intendant of New France shall each have a pew in the cathedral church of Quebec, and in the parish church of Montreal ; that is to say, the Governor general on the right of the choir and the Intendant on the left, both being placed on the same straight line.

“ 2. The King's Lieutenant for the city of Quebec shall have a bench in the cathedral next behind the pew of the Governor general.

“ 3. In the other churches of New France, the Governor general and the Intendant shall not have pews, but shall only be entitled to cause their chairs or seats to be carried to such churches, which they shall also cause to be placed in the most distinguished position—that of the Governor general to the right, and that of the Intendant to the left.

“ 4. Incense shall be offered only to the Governor general, and that immediately after the bishop, and before the chapter.

“ 5. In the absence of the Governor general from any District Government, in which the Intendant shall be present, the District governor, or in his absence, the King's Lieutenant, shall have the first place in all Public Ceremonies, and the Intendant shall have only the second ; but when the Governor general shall be within the limits of the District Government, and shall be prevented from assisting at Public Ceremonies, from whatever cause this may happen, the Intendant shall have the first place, and the District governor and the King's Lieutenant shall only rank after him.

“ 6. In Processions at which the Council shall be present, the Governor shall march at the head of Council, and the Intendant on the left. Then the Councillors and the Attorney-general, and after him the Officers of the Jurisdiction ; and the line of march thus regulated shall be in the order of two and two.

“ 7. His Majesty desires that in the event of the Governor general's absence, or illness, the intendant alone shall march at the head of the

Council ; and if the Intendant shall be absent, the Senior Councillor shall take precedence.

" 12. At Salutes fired on the occasion of public rejoicings, three Torches shall be presented to the Governor general, one to the Intendant, and a third to the King's Lieutenant. When the Governor general shall be absent from the District Government of Quebec, only two Torches shall be presented to the King's Lieutenant, or to the Officer commanding in the Town, and the other to the Intendant.

" Orders and commands His Majesty to the *Sieur Marquis de Vaudreuil*, Governor and Lieutenant-general in New France, and to the *Sieur Begon*, Intendant, and to all their Officers, to conform to the present regulation, which he desires may be enregistered in his Superior Council of Quebec, and executed according to its form and tenor. Done at Paris this 27th of April, one thousand seven hundred and sixteen.

" (Signed)

LOUIS."\*

But, it may be urged, the Elective House of Assembly established after the Conquest of the Colony, and the Trial by Jury which has followed the introduction of the English Criminal Law, and has obtained a partial footing even in Civil Causes, as well as the opportunity of intercourse with the English, must have produced a change in the habits and manners of the people. In the educated classes—a small minority—a change has undoubtedly taken place, though we question their fitness for the duties and responsibilities of Self-Government, unassisted by their Anglo-Canadian brethren ; while the great body of the French population, which has increased under our sway from 65,000† to nearly half a

\* Edits et Ordonnances, tome i. p. 334.

† Population of Lower Canada, at various times, from the year 1676 to 1825 inclusive, as taken from the authority of Charlevoix, La Potheraye, and of public documents.

Year.	1676	1688	Increase in 12 yrs.	1700	Increase in 12 yrs.	1706	Increase in 12 yrs.	1417
Souls.	8,415	11,249	2,834	15,000	3,751	20,000	5,000	26,904

Year.	Increase in 8 yrs.	1759	Increase in 45 yrs.	1784	Increase in 25 yrs.	1825	Increase in 41 yrs.
Souls.	6,904	65,000	38,096	113,000	48,000	450,000	337,000

The Anglo-Canadian as well as the French-Canadian population, is included in this Table since the year 1759. But the French-Canadian population alone is not much under half a million at the present day.

million—in their prejudices, customs and opinions, are essentially the same as at the time of the conquest of the Colony. In support of this opinion we shall violate the chronological order of our remarks, by quoting the description given by a modern *French Canadian*, an authority above suspicion, of his own countrymen: a description graphically true at the present day, but which, we are persuaded, would appear not less true, if the ancestors of this unchanged race had sat for the portrait. It will at all events be sufficiently apparent, that whatever alteration may have taken place, we have failed to convert the French-Canadian either into an Englishman, or an Anglo-Canadian.

“ The most important and marked distinction existing in the country is of FRENCH and ENGLISH; meaning by French all such as were originally, or have, by long dwelling in the country or otherwise, become attached to the French-Canadian habits and language; meaning by English, such as are really English, or have, in spite of their continuance in the country, retained a decided predilection for what they believe to be English manners, language, tastes, &c.

“ Among the people of the United States, there exists a roving disposition, that leads them in multitudes to make New Settlements in the wild lands, and thus rapidly to spread civilization over the immense unreclaimed territories they possess. This feeling exists not in Canada: the inhabitants, generally, are far from adventurous; they cling with pertinacity to the spot which gave them birth, and cultivate, with contentedness, the little piece of land which in the division of the family property has fallen to their share. One great reason for this sedentary disposition is their peculiar situation as regards religion. In Canada, as in all Catholic Countries, many of the people's enjoyments are connected with their religious ceremonies; the Sunday is to them their day of gaiety; there is then an assemblage of friends and relations; the parish church collects together all whom they know, with whom they have relations of business or pleasure, the young and old;—men and women clad in their best garments, riding their best horses, driving their gayest *calèches*,—meet there for purposes of business, love and pleasure. The young *habitant*, decked out in his most splendid finery, makes his court to the maiden, whom he has singled out as the object of his affections; the maiden, exhibiting in her adornment every colour of the rainbow, there hopes to meet *son chevalier*; the bold rider descants upon, and gives evidence of the merits of his unrivalled pacer; and in winter the power of the various horses are tried in *strigh* and *curiole* racing. In short, Sunday is the grand *fête*, it forms the most pleasurable part of the *habitant's* life: rob him of his Sunday, you rob him of what, in his eyes, renders life most worthy of possession. Moreover, the people are a pious people, and set an extraordinary value on the *rites* of their religion. Take them where they may be unable to



participate in these observances, and you render them fearful and unhappy. The consequence of all these circumstances is, that the Canadian will never go out singly to settle in a wild territory; neither will he go where his own religious brethren are not.

“ The comforts of the people, if compared with any other nation, are wonderfully great; their food from their French habits consists not of animal food to the same extent as that of the richer English, but is, nevertheless, nourishing and abundant. No griping penury here stints the meal of the labourer; no wan and haggard countenances bear testimony to the want and wretchedness of the people.

“ While the Canadians are thus well supplied with food, they are equally fortunate as to their clothing and their habitations. Till lately, the chief clothing of the population was wholly of their own manufacture; but the cheapness of English goods has, in some degree, induced a partial use thereof. Canadian cloth is, however, still almost universally used; and the grey *capot* of the *habitant* is the characteristic costume of the country. The *capot* is a large coat reaching to the knee, and is bound round the waist by a sash; which sash is usually the gayest part of the Canadian's dress, exhibiting every possible colour within the power of the dyer . . . . . The women are usually clothed nearly after the fashion of a French peasant. On the Sunday they are gaily attired, chiefly after the English fashion, with only this difference,—where the English wears one, the Canadian girl wears half a dozen colours. Here, as in the case of food, no penury is manifest; an exceeding neatness of person and cleanliness, that first requisite to comfort, mark the people to be above the influence of want, and to be in that state of ease which permits them to pay due attention to the decency of external appearance.

“ It is impossible—perhaps it would also be unnecessary—to give a minute description of the sort of houses which the farming population usually inhabit; suffice it to say that they are generally constructed of wood; though, as the farmer becomes rich he almost invariably changes his wooden for a stone house. For the number of inhabitants they are unusually large and commodious. In the summer, from being low, they are generally uncomfortably warm; and in winter, by the aid of a stove, they are rendered completely uninhabitable by a European. The excessive heat in which the Canadian lives, within doors, is sufficient to kill any one not from his infancy accustomed to that temperature. Without doors, however, the *habitant* bears with ease the piercing cold of the winter blasts,—

‘ Breasts the keen air, and carols as he goes,’—

when any one, not a Canadian, would be compelled to take every possible precaution against its painful influence.

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“Free from the pressure of want, and unexposed to the temptations created by surrounding affluence, they are free from the vices which poverty and temptation engender. Property is perfectly safe both from petty pilfering and open attacks.

“In the country the doors of the houses are never fastened, and all sorts of property are openly and carelessly exposed. In the social relations also, the same circumstance of ease induces, to a great degree, honesty in dealing.

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“In the kindlier affections, they, like all happy people, are eminently conspicuous; though, from being less rich, they are, perhaps, less remarkable in this particular than the people of the United States.

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“The people are, for the most part, of a mild disposition; a broil or a fight at their meetings of pleasure seldom occurs, and the more fierce and deadly passions of our nature are never roused by the pressure of famine. The habit of settling differences by personal collision does not exist among them; the law affords the only remedy, which they willingly adopt, and they consequently seem, and are, in fact, litigious. Being principally of Norman descent, what William the Conqueror said of the Normans may, perhaps, be applicable to them.

‘Foler et plaidier lors convint.’

\* \* \* \* \*

“Education, among the people of Lower Canada, and particularly in the country, *having made but little progress, as compared with that of the people of the United States*, the Roman Catholic clergy have been considered the cause of this want of advance, and accused of a desire to keep the people in ignorance, inasmuch as they hope, thereby, to maintain a command over their opinions and conduct. Nothing, however, can be more false, either as regards the cause of *the little progress of education among us*, or as regards the feelings of the priesthood; it being indubitable, that had it not been for the arduous endeavours of the Roman Catholic clergy, the people *would have been far more ignorant than they are at present*. To their active personal exertions,—to the seminaries which they have built and superintended, is owing *whatever knowledge is spread among the various ranks of Canadian society*.”

The preceding extracts apply almost exclusively to the rural French population of Lower Canada. The educated classes are neither so simple in their manners, so unambitious in their views, nor so contented with their position. They

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\* A Political and Historical Account of Lower-Canada, by a Canadian. London, 1830.

constitute, in fact, the "movement party\*" of their race; but although they have generally discarded the opinions of their ancestors in political matters, they retain their social usages and customs, and they have, with few exceptions, failed, in our opinion, to acquire any well-defined principles of public liberty. The Canadian *Seigneurs* or feudal proprietors may be mentioned as the highest in rank. They are, however, scarcely entitled to be considered as a distinct "order." Their number is small, and although some possess not only an independent but affluent income for so economical a country, the majority are engaged in the active business of life. Amongst them the descendants of ancient French families are to be met with, and traces of their aristocratic lineage

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\* The feelings and wishes of that portion of the population who desire a French Canadian republic, or an independent "*nation Canadienne*," are not unfaithfully represented by the following lines. We insert them, not on account of their poetical merit, but because a sincere and highly characteristic self-delusion breathes throughout.

Sol Canadien ! terre chérie !  
Par des braves tu fus peuplé ;  
Ils cherchaient loin de leur patrie  
Une terre de liberté.  
Nos pères, sortis de la France,  
Étaient l'élite des guerriers ;  
Et leurs enfants de leur vaillance  
N'ont jamais flétri les lauriers.

Qu'elles sont belles, nos campagnes ;  
En Canada qu'on vit content !  
Salut, ô sublimes montagnes,  
Bords du superbe Saint Lauren !  
Habitant de cette contrée,  
Que nature veut embellir,  
Tu peux marcher tête levée,  
Ton pays doit t'enorgueillir.

Respecte la main protectrice  
D'Albion, ton digne soutien ;  
Mais fait échouer la malice  
D'ennemis nourris dans ton sein.  
Ne fléchis jamais dans l'orage ;  
Tu n'as pour maître que tes lois ;  
Tu n'es pas fait pour l'esclavage :  
Albion veille sur tes droits.

Si d'Albion la main chérie  
Cesse un jour de te protéger,  
Soutiens-toi seule, ô ma patrie !  
Méprise un secours étranger.  
Nos pères, sortis de la France,  
Étaient l'élite des guerriers ;  
Et leurs enfants de leur vaillance  
Ne flétiront pas les lauriers.



linger in the habits they preserve in their domestic circles, and the manners by which they are distinguished in society. The French-Canadian advocates of the Quebec and Montreal Bar claim also a distinct notice. They are, for the most part, educated at the Roman Catholic seminaries we have before alluded to. Many of them possess considerable professional skill, and have obtained a great and predominating influence over the minds of their uneducated countrymen; but they are not in general very remarkable either for enlarged views, or for general information. The leaders of the House of Assembly belong, for the most part, to this class. M. Papineau, whose name has become so well known, is a member of the Montreal Bar. He was educated, we believe, at the Roman Catholic seminary of St. Sulpice at Montreal, but devoted himself to politics rather than to his profession. Not deficient in classical attainments, he possesses abilities above mediocrity; is an able and ready debater; speaks English fluently, a qualification not universal with French Canadians; and is well read in the constitutional history of England. The information he has thus obtained, and the almost unlimited influence he exercises, have been frequently and dexterously used to defeat the schemes of the executive government, and to maintain what, we have no doubt he considered in many instances, the just privileges of the House of Assembly. On the other hand, the experience he and his countrymen have acquired, has been in too confined an arena to allow them to form just and enlarged opinions of public affairs, and throughout their proceedings may be traced that unequal course of action, and those fretful and discontented ebullitions of feeling, which in all ages have marked the conduct of a high-spirited and conquered people.

Of the French Canadian clergy it is impossible to speak in terms of respect higher than their merits deserve. As a body, they are singularly free from sectarian prejudices, and the manner in which they discharge their pastoral functions, and the kindly feeling they have fostered in their parishioners, have justly endeared them to the whole French-Canadian population, and secured the friendship of their English fellow-countrymen.

In enumerating the various classes of French provincial

society, it would be very unjust to pass over in silence the "Notary-Public," as he is called. He is a very different personage from the English notary; for as almost every specialty must be a notarial deed, which is prepared by him, the original being deposited in his office, and an examined copy only given out to the parties, he combines, within himself, many of the attributes of the country attorney and the provincial conveyancer in England. Thus, in many Canadian parishes, the *Seigneur*, the notary-public and the priest, occupy positions by no means dissimilar to the country squire, the attorney and the curate, in the parent state. Many of the shop-keepers, both in Quebec and Montreal, are French Canadians; but in the higher departments of commerce, comparatively few are to be met with, and they, in general, either from education or by family connection, have adopted, in a great measure, the habits and opinions of the English. The export and import trade of the province is in the hands of the British and Anglo-Canadian merchants.

We have thus, so far as our limits would permit, endeavoured to give some account of the rise and progress of the former French colony of Lower Canada, and of the manners and customs of the people. We now leave our readers to determine whether we have or not established our first proposition:—"that the habits, the manners, the moral education and the prejudices of a people trained under the French administrative system, must be totally different from those of the Anglo-Saxon race."

In a subsequent number we shall endeavour to prove our second proposition, and to show that the geographical position, and the social and political welfare of the two provinces, require that they should be united under one colonial government. We shall discuss this part of the question with reference to three periods. 1st. From the year 1763, when the possession of Canada was confirmed to England by the treaty of Paris\*, to the year 1774, when the "Quebec act"

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\* The following is an extract from the fourth Article of the Treaty of Paris, by which Canada was ceded to England.

"His Most Christian Majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia or Acadia, in all its parts, and guarantees the whole of it and all its dependencies to the King of Great Britain. Moreover His Most Christian Majesty cedes and guarantees to His said Britannic

was passed. 2ndly. From the year 1774 to the year 1791. 3rdly. From the year 1791, when the province of Quebec was divided into the two provinces of Upper and Lower Canada, and a Legislative Council\* and an elective House of Assembly were given to each, to the present day. In the mean time, we close this article, with a few brief notices of the circumstances under which Canada became a British province.

The long-disputed province of Nova Scotia had been formally ceded to Great Britain by the treaty of Utrecht, but after the peace of Aix-la-Chapelle serious disputes arose between France and England respecting the limits of the newly acquired territory†. More important disputes also occurred with regard to the southern provinces, the plan of the French being to unite Louisiana and Canada by a chain of forts, and to confine the English colonies between the Alleghany mountains and the sea. A series of these forts was accordingly commenced along the lakes on the one side, and on the Mississippi and the Ohio on the other‡. The vast chain was nearly completed, when, the jealousy of the court of England being effectually roused, the conferences respecting Nova Scotia were abruptly broken off. A desultory warfare then commenced in America, the English colonists contending that the forts were erected within their boundaries, and the French stimulating the Indians and the "Neutrals," as the French colonists in Nova Scotia were termed, to attack the English settlements. In one of these encounters, WASHINGTON, at that time a major in our provincial service, distinguished himself by successfully resisting the attack of a very

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Majesty in full right, Canada with all its dependencies, as well as the Island of Cape Breton, and all the other Islands and Coasts in the Gulf and River St. Lawrence."

\* His Britannic Majesty on his side agrees to grant the liberty of the Roman Catholic Religion to the inhabitants of Canada. He will consequently give the most effectual orders, that his new Roman Catholic subjects may possess the worship of their religion, according to the rites of the Romish Church, so far as the laws of Great Britain permit.—Treaty of Paris, 10 February, 1663."

\* By the fifth section, 31st George III. seats in the Legislative Council were granted for life, and by section sixth power was reserved to the crown to make such seats hereditary. This power, however, has never been exercised, and seats in the Council were supposed to be held for life until the late suspension of the Constitution. We shall hereafter recur to this much-vexed question.

† Russell's Modern Europe, vol. v. pp. 174-176.

‡ *Ibid.*, vol. v.



superior body of the enemy. Hostilities between the two countries soon became inevitable. The war of posts continued with various success; the defeat of General Braddock at Fort du Quesné, and of General Webb at Fort William Henry, being counterbalanced by the success of the British arms in the attack on Louisbourg. It was at last, however, determined to make a general attack on the French settlements, and General Wolfe, who had distinguished himself at Louisbourg, was directed to proceed up the St. Lawrence and besiege Quebec.

Wolfe sailed from Portsmouth on the 14th of March 1759, with a fleet of seventy-four vessels, transports and men of war, commanded by Admiral Holmes. The fleet reached Louisbourg in straggling detachments, having encountered a severe storm. In the beginning of June Wolfe again sailed. On the 27th he landed on the Island of Orleans, a few miles below Quebec; and on the 31st of July he was repulsed in an attack on the entrenched camp of the French near the village of Beauport, between the rivers St. Charles and Montmorenci. It being determined to carry on operations above, or to the westward of the town, notwithstanding the great natural advantages the enemy derived from the steep banks of the St. Lawrence, which were supposed to be inaccessible to troops, the men of war and transports were moved up the river. The dispatch of General Townshend\*, gives so able a statement of the military events which subsequently took place, that we offer no apology to our readers for inserting extracts from it here.

"It being determined to carry the operations above the town, the posts at Point Levi and l'Isle Orleans being secured, the general marched with the remainder of his forces from Point Levi on the 5th and 6th, and embarked them in transports, which had passed the town for that purpose, on the 7th, 8th and 9th. A movement of the ships was made by Admiral Holmes, in order to amuse the enemy, now posted along the shore.

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"The light infantry, commanded by Colonel Howe, the regiment of Braggs (28), Kennedy (43), Lascelles (47), and Anstruther (58), with a detachment of Highlanders, and the American grenadiers, the whole being under the command of Brigadiers Monkton and Murray, were put into

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\* This dispatch has been lately republished in "*Chelsea Hospital and its Traditions*," vol. iii. p. 305.

flat-bottomed boats ; and, after some movement of the ships, made by Admiral Holmes to draw the attention of the enemy above, the boats fell down with the tide, and landed on the north shore, within a league of Cape Diamond, an hour before daybreak. The rapidity of the tide of ebb carried them a little below the place of attack, which obliged the light infantry to scramble up a woody precipice, in order to secure the landing of the troops, by dislodging a captain's post which defended the small entrenched path the troops were to ascend.

" After a little firing, the light infantry gained the top of the precipice, and dispersed the captain's post ; by which means, the troops, with very little loss from a few Canadians and Indians in the wood, got up and were immediately formed. The boats as they emptied were sent back for the second disembarkation, which I immediately made. Brigadier Murray being detached with Anstruther's battalion to attack the four-gun battery upon the left, was recalled by the general, who now saw the French army crossing the river St. Charles. General Wolfe thereupon began to form his line, having his right covered by the Louisbourg grenadiers. On the right of these again, he afterwards brought Otway's (35) : to the left of the grenadiers were Braggs', Kennedy's, Lascelles', Highlanders, and Anstruther's. The right of this body was commanded by Brigadier Monkton, the left by Brigadier Murray. His rear and left were protected by Colonel Howe's light infantry, who was returned from the battery just mentioned, which was soon abandoned to him, and where he found four guns.

" General Montcalm, having collected the whole of his force from the Beauport side, and advancing upon us, showed his intention to flank our left, which I was immediately ordered to protect with General Amherst's battalion (15), which I formed *en potence*. My numbers were soon afterwards increased by the arrival of the two battalions, Royal Americans (60). Webb's (48) was drawn up by the general as a reserve, in eight subdivisions with large intervals.

" The enemy lined the bushes in their front with fifteen hundred Canadians and Indians, and I dare say had placed some of their best marksmen there, who kept up a very galling, though irregular fire, upon our whole line, who bore it with the greatest patience and good order, reserving their fire for the main body now advancing. This fire of the enemy was, however, checked by our posts in our front, which protected the forming of our own line.

" The right of the enemy was formed of half of the troops of the colony, the battalions of La Sarre, Languedoc, &c. ; the remainder of them Canadians and Indians. Their centre was a column, and formed by the battalions of Bearn and Guyenne ; their left was composed of the remainder of the troops of the colony, and the battalion of Royal Russillons. This was, as near as I can guess, their line of battle. They brought up two pieces of small artillery against us ; and we had been able to bring up only one gun, which, being admirably well served, galled their column exceedingly.

"My attention to the left will not permit me to be very exact with regard to every circumstance which passed in the centre, much less to the right; but it is most certain that the enemy formed in good order, and that their attack was very brisk and animated on that side. Our troops reserved their fire till within forty yards, which was so well continued, that the enemy everywhere gave way. It was there our general fell, at the head of Braggs' and of the Louisbourg grenadiers, advancing with their bayonets. About the same time Brigadier-general Monkton received his wound at the head of Lascelles'. In the front of the opposite battalions fell also Monsieur Montcalm; his second in command has since died of his wounds on board our fleet. Part of the enemy made a second faint attack; part took to some thick copse-wood, and seemed to make a stand.

"It was at this moment that each corps seemed to exert itself with a view to its own particular character. The grenadiers, Braggs', Lascelles', pressed on with their bayonets. Brigadier Murray, advancing the troops under his command briskly, completed the rout on his side; when the Highlanders, supported by Anstruther's, took to their broad-swords and drove part into the town, part to their works at the bridge on the river St. Charles."

Quebec capitulated a few days after this victory. In the subsequent year the Marquis de Vaudreuil surrendered with the remainder of the French army at Montreal, and Canada became an English colony. The joy which this event—the most brilliant achievement of the war—diffused, was much subdued by the death of the young officer who planned the attack, and who lived only long enough to hear that his plans were successful.

The state of the public mind at the time was well described by Goldsmith.

"Amidst the clamour of exulting joys  
Which triumph forces from the patriot heart,  
Grief dares to mingle her soul-piercing voice,  
And quells the raptures which from pleasure start.

"Oh Wolfe! to thee a streaming flood of woe  
Sighing we pay, and think e'en conquest dear;  
Quebec in vain shall teach our breasts to glow,  
Whilst thy sad fate extorts the heart-wrung tear.

"Alive, the foe thy dreadful vigour fled,  
And saw the fall with joy-pronouncing eyes;  
Yet they shall know thou conquerest the dead,  
Since from thy tomb a thousand heroes rise."

Nor was sympathy for a gallant enemy wanting. As the



shouts of his triumphant soldiers were borne towards him, the English general declared that he died contented.—“I am glad of it;” exclaimed M. de Montcalm, when the surgeon pronounced his wound mortal, “I shall not witness the surrender of my troops.” A column has been recently erected in the Upper Town of Quebec, to the memory of both these brave officers—“to Wolfe and Montcalm”—a just tribute of respect to their patriotism and virtue, and an emblem of the mixed feeling that prevails in the province. It bears the following inscription:

MORTEM  
VIRTUS COMMUNEM  
FAMAM HISTORIA  
MONUMENTUM POSTERITAS  
DEDIT.

ARTICLE VII.

THE QUEEN'S COURT AND HOUSEHOLD.

1. *Notitia Imperii Romani*.—(A Royal or rather Imperial Kalendar of the Roman Empire, being a list of the several civil and military magistrates and officers\*.
2. *The Pictorial History of England*. Vol. i. London, C. Knight & Co., 1838.
3. *The Official Kalendar for 1831*. By JOHN BURKE, Esq., author of "A Dictionary of the Peerage and Baronetage." London, 1831.
4. *The Royal Kalendar for the year 1838*.
5. *The Glory of Regality*: an Historical Treatise of the anointing and crowning of the Kings and Queens of England. By ARTHUR TAYLOR, Fellow of the Society of Antiquaries. London, 1820.
6. *Chapters on Coronations*; comprising their Origin, Nature and History. London, 1838.
7. *Regal Records*; or, a Chronicle of the Coronations of the Queens Regnant of England. By J. R. PLANCHÉ, F.S.A., author of the "History of British Costume," &c. London, 1838.

THE commencement of a new reign, with an approaching coronation, seems a not unfit occasion for a few remarks on the subject of the Royal Household, of which, though now it may seem to lead to an inquiry rather curious than important, nevertheless, as it originally comprehended the whole machinery of the Government, including the legislative and judicial as well as administrative establishments, some accurate knowledge is more necessary than is commonly imagined to the full comprehension, not only of the nature of the English Government, but of the whole structure of modern European society. In the following article we shall make use of an investigation in Chapter III. Book III. of the Pictorial History of England at present in course of publication, which has thrown quite a new light upon one part of the subject.

In the first ages after the Conquest, the business of the state, both administrative and judicial, and, indeed, legislative

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\* The best edition is that with the Commentary of Pancirolus, given in vol. vii. of the Roman Antiquities of Grævius.

too,—for in the early stages of society the judicial and legislative are not very distinctly separated,—was performed by the great officers of the king's court or household. This was called the *Curia Regis*, literally the king's court, council or senate; and there appears to be little or no foundation for the supposition that this was a different body from what is termed by old writers the *Commune Concilium*, the Common Council of the realm. In order fully to understand the composition of the above courts or council, it is necessary to trace the thing to its primary elements. The Anglo-Normans borrowed from the Normans, the Normans from the Franks; and the Franks, in addition to what they had of their own, borrowed, probably, something from the courts of the Roman emperors.

If they took at least in part the idea of that complex gradation of offices from the Roman empire, they did not retain, in all respects, the same order of the scale which prevailed under the empire, as made known to us by that curious document called *Notitia Imperii*, a species of Imperial Kalendar, containing a list of the various officers and magistrates. For instance, according to that document, which is of about the same date with the Theodosian Code, the first officer of the empire was the *Præpositus sacri cubiculi*, (the Great Chamberlain,) while the *Comes castrensis* (Count of the palace or household,) held a rank subordinate not only to him, but to other officers; whereas, among the Franks, the highest officer in power, as in dignity, was, as the name implies, the *grand seneschal*, corresponding to the *Comes castrensis* above named.

But we incline to think it may be a question whether the Gothic monarchs had any regard at all to the empire in the formation of their scale of offices. Besides that the order of the scale, as well as the offices, is essentially different from the imperial; even the Latin names which they gave to the offices are quite different from the names in the *Notitia Imperii Romani*. The reader will perceive this at once by comparing the following list of officers from the *Notitia* with the lists which will be given presently of the officers of the household of the Anglo-Norman kings. We follow M. Guizot's\*

\* Cours d'Histoire Moderne, tom. iv. p. 213. Also the *Notitia* with Panciroli's Commentary, in volume vii. of the Roman Antiquities of Grævius.



arrangement, who says: "I have taken for the basis of this "table the empire of the East, more complete and better "known; taking care to indicate here and there the circum- "stances which distinguish the empire of the West."

# IMPERIAL COURT.

## I. *Præpositus sacri cubiculi*. Great Chamberlain.

Under him were the following:

1. *Primicerius sacri cubiculi*. First Chamberlain. He was at the head of all those who served the emperor in his apartments.
2. *Comes castrensis palatii (mair du palais)*. Count of the palace or household. A sort of steward who superintended the imperial table, *cuisine*, &c.

Under him were:

1. *Primicerius mensarum*, the chief of those who, when the emperor travelled, went before to make preparation for him on his route.
  2. *Primicerius cellariorum*, chief of those employed in the kitchens and offices.
  3. *Primicerius pædagogiorum*, chief of the young pages educated for service in the interior of the palace.
  4. *Primicerius lampadariorum*, chief of those who superintended the lighting of the palace.
  3. *Comes sacræ vestis*, count of the sacred wardrobe, i. e. master of the robes.
  4. *Chartularii cubiculi*, secretaries of the chamber. Although occupied with public business, they were under the superintendence of the *Præpositus sacri cubiculi*, because their service was personal, or they were considered as the private secretaries of the emperor.
  5. *Decuriones III. silentiariorum*, whose business was to prevent noise in the palace.
  6. *Comes domorum per Cappadociam*, the superintendant of the property of the emperor in Cappadocia, which was very considerable.
- ## II. *Comites domesticorum equitum peditumque*, counts of the cavalry and infantry of the palace, i. e. commanders of the emperor's life or body guards.

## CENTRAL GOVERNMENT.

- I. *Magister officiorum*, the master of the offices. A minister whose functions were very extensive. He administered justice to the *palatini*, i. e. those of the imperial household, received appeals from privileged citizens, presented the senators to the prince, &c. ; so that it appears his functions very much resembled one portion of those of the *Dapifer* or lord steward of the household, while another portion of the latter officer's functions belonged to the *Comes castrensis*. This high officer had a very great number of *employés* under him, whom it is unnecessary here to particularize.
- II. *Questor*, the questor. He gave judgment along with the *Præfectus prætorio*, and sometimes alone in cases referred to the prince ; he composed the laws and edicts which the prince was to promulgate ; signed the rescripts, &c. He was a sort of lord high chancellor, as the officer last mentioned, the *Magister officiorum*, was a sort of lord high steward.
- III. *Comes sacrarum largitionum*, the count of the sacred largesses. He was the lord high treasurer of the empire.
- IV. *Comes rerum privatarum*, the treasurer of the crown. The public treasury was called *ærarium* ; the private treasury of the emperor, or perhaps, as we should say in England, the *privy purse*, was called *fiscus*. Consequently, while the *Comes sacrarum largitionum* would correspond to the lord treasurer, the *Comes rerum privatarum* would correspond to the privy purse. Of the various subordinates in the department of this officer we shall notice only one class, as making one among the many strong points of difference between the Roman and the modern gradation of offices. The class to which we allude was called the *Præpositi stabulorum, gregum, et armentorum*, and it included in it an officer called *Comes stabuli* ; from which words the modern *Constable* is supposed to be derived. As we shall see presently, however, the constable of the northern courts was a far higher officer than this *Comes stabuli*.
- V. *Primicerius notariorum*, first secretary of state.

But this does not yet give either a complete view of the whole of the vast machinery by which the Titanic govern-

ment of the Roman empire, about the beginning of the fifth century, did its herculean work, or a precise idea of the relative places of all the officers whom we have named in the foregoing abstract. The deficiency will be supplied by the following table of the order of precedence of ranks and titles in the Roman empire\*.

#### I. NOBILISSIMI.

This was the highest title, and confined to members and allies of the imperial family.

#### II. ILLUSTRES.

1. *Præfectus Prætorio Orientis.*
2. *Præfectus Prætorio Illyrici.*
3. *Præfectus Prætorio Italiæ.*
4. *Præfectus Prætorio Galliarum.*
5. *Præfectus urbis Constantinopolitanæ.*
6. *Præfectus urbis Romæ.*
- 7—11. *Magistri militum Orient. v.*
12. *Magister equitum Occident.*
13. *Magister peditum Occident.*
14. *Magister equitum per Gallias.*
- 15—16. *Præpositi sacri cubiculi II. Orient. et Occid.*
- 17—18. *Magistri officiorum II. Orient. et Occid.*
- 19—20. *Quæstores II. Orient. et Occid.*
- 21—22. *Comites largitionum II. Orient. et Occid.*
- 23—24. *Comites rerum privatarum II. Orient. et Occid.*
- 25—26. *Comites domesticorum equitum II. Orient. et Occid.*
- 27—28. *Comites domesticorum peditum II. Orient. et Occid.*

#### III. SPECTABILES.

- 1—2. *Primicerii sacri cubiculi II. Orient. et Occid.*
- 3—4. *Comites castrenses palatii II. Orient. et Occid.*
- 5—6. *Primicerii notariorum II. Orient. et Occid.*
- 7—13. *Magistri scriniorum, Orient. et Occid., VII.*
- 14—16. *Proconsules III.*
17. *Comes Orientis.*

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\* See the *Notitia*, with the Commentary of Pancirolus, lib. i. c. 1, and lib. ii. c. 1.



18. *Præfectus Augustalis*.

19—29. *Vicarii* xi.

30—37. *Comites rei militaris* viii.

38—62. *Duces rei militaris* xxv.

#### IV. CLARISSIMI.

*Consulares provinciarum* xxxvii.

*Correctores provinciarum* v.

*Præsides provinciarum* lxxiii.

#### V. PERFECTISSIMI.

*Præsides*—*Arabiae, Isauriae, et Dalmatiae*.

*Rationales*—collectors of the revenue in the provinces.

&c., &c., &c.

#### VI. EGREGII.

This title was very common, somewhat corresponding, perhaps, to the English "esquire," or rather "gentleman;" for as to *gentlemen*, the remark made on them by Sir Thomas Smith\* some two centuries and a half ago, will hold at the least equally true now, that "they be made good cheap in England."

There are one or two of the titles in the foregoing list of dignities, which, from the figure they have made in modern times, and still make, deserve more especial notice. These titles are *comes* and *dux*, count (corresponding to earl) and duke. Where the government is a pure despotism, the private friends or associates of the monarch will be, with some exceptions perhaps, the principal officers of state. In the courts of the Roman emperors, these associates, counsellors or ministers, were styled *comites*, companions of the emperor, from their constant attendance on his person. When these *comites* of the prince took upon them the government of a province, town or castle, or the exercise of any office, they were then called *comites* of that province, town, castle or office. Of this the *comites Britanniarum*, the counts of Britain; the *comites littoris Saxonici per Britanniam*, the counts of the Saxon shore in Britain; and the *comites largitionum*, the *comites sacri palatii*, &c., are examples.

The word *dux*, from its original signification of the leader

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\* Commonwealth of England, book i. c. 20.

of an army in general, became, under the Roman empire, a title denoting certain military rank, the name of the province being added to it in the same way as to the title *comes*. For example, the officer who had command on the northern frontier of Britain over thirty-seven fortified places, and the troops stationed in them, was styled *dux Britanniarum*, the duke of Britain.

It will be seen, from the table we have given, that in the *Notitia*, contrary to the modern order of things, the *comites* or counts take precedence of the *duces* or dukes. Notwithstanding the authority of the *Notitia*, however, the relative order of precedence of the *comites* and *duces* appear either to have been not very clearly settled, or to have varied at different times. Thus, besides the precedence in the *Notitia*, the *comites* are named before the *duces* in the following places of the Theodosian Code, lib. vii. t. 1. l. 18, lib. vii. t. 20. l. 13, and lib. viii. t. 7. l. 11. they are placed on an equality with them, lib. vi. t. 14. l. 3. and they are named after them in the following places, lib. vii. t. 1. l. 9, and lib. xii. t. i. l. 128. This would seem to show a "glorious uncertainty" in the Roman law, certainly not inferior to that of which we hear so much in the English. However, as it will be observed that there are no *duces* in the Class II. (the *ILLUSTRES*), we think we may, on the whole, conclude that the *dux* was a title inferior to the *comes*.

From this picture of an old society in a state of corruption, of decay and decomposition, we now turn to that of a very young society in a state of rudeness, of barbarism, but nevertheless a society in a state of freshness, of growth, of youthful vigour.

The origin of the word *seneschalch*, composed of the words *senes*, chief, and *schalch*, domestic, indicates, in some sort, the position of the great officer who bore the name. Everywhere the course of events seems to be, that the chief domestic of the king, in a rude state of society, should first fulfil the king's duties, and afterwards usurp his place. We find the same thing happening among the tribes of Asia and Africa, that we find among the warlike barbarians who overran Europe from the fifth to the tenth century. And it was not merely when the monarch was disposed to belong to the class of the *Rois*

*Faineants*, that the chief domestic had this power; for we find him a very important and powerful personage under the most energetic of the Norman kings, though, of course, his power would not be so great as when the king, from feebleness of character, was a cypher. Thus it was, in fact, their jealousy of the power of this great officer, the seneschal or lord high steward, that led the Norman kings of England to keep it in the royal family after the ruin of the family of the De Montforts, earls of Leicester, who were probably assisted by the power and influence of this great office in the successful opposition which they long made to the royal power. We shall now extract some passages of importance from the work to which we have already referred.

"The English lawyers and legal antiquaries have produced between them almost inextricable confusion on the subject of some of these officers. Madox, who, in an antiquarian point of view, has done the most for this subject, and whom Blackstone and others seem to have followed, in his history of the Exchequer, places the great officers of the king's court in the following order:—1. The High Justiciary, or High Justicier, as he writes it. 2. The Constable. 3. The Mareschall. 4. The Seneschall, or Dapifer. 5. The Chamberlain. 6. The Chancellour. 7. The Treasurer.—Instead of this classification we shall substitute the following, for reasons which will be given immediately: 1. The Grand Seneschall, or *Dapifer Angliæ*. 2. The High Justiciary. 3. The Seneschall, or *Dapifer Regis*. 4. The Constable. 5. The Mareschall. 6. The Chamberlain. 7. The Chancellor. 8. The Treasurer.

"1. The *Grand Seneschall*, or *Dapifer*—*Senescallus*, or *Dapifer\* Angliæ*, in modern phraseology, the lord high steward—*comes palatii*, *major domus regis*, or *maire du palais*. The word *seneschalch*, about the etymology of which opinions vary somewhat, meant originally a sort of steward in the household of the Frank kings. After their conquest of Gaul, it came to signify a high political dignity. *Dapifer*, as shown in the note below, means the same thing, being the Latin synonym for it. This officer was the highest in the state after the king, executing all the chief offices of the kingdom as the king's representative. He was not only at the head of the king's palace, but of all the departments of the state, civil and military, chief administrator of justice, and leader of the armies in war. This is

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\* That these terms are synonymous is shown by Ducange, Spelman, &c. *Dapifer* seems to have been introduced when a Latin word came to be wanted for *seneschal*, and was adopted for want of a better, there being no Latin term exactly corresponding. *Dapifer* has been ignorantly translated "sewer" by Dugdale and others; whereas sewer, so far from meaning *seneschall*, means only *seuer franch-mont*, an officer a great many degrees below the *seneschall*. See Ducange, *ad voc. Dapifer*, *Senescallus*; Spelman, *ad voc. Dapifer*, *Capitulis Justitiaris Senescallus*; and Dugdale's *Baronage*.



proved not only to have been the case in France, by Ducange and other high authorities, as well as by the public records of that kingdom\*; but to have been so also in England, by a document published by Madox himself, from the black and red books of the Exchequer—to wit, the celebrated *Dialogus de Scaccario*, written in the time of Henry II.†; and likewise by certain MSS. preserved in Sir Robert Cotton's collection in the British Museum, particularly an old MS., entitled, “*Quis sit Seneschallus Angliæ, et quid ejus officium.*” Consequently, Madox is wrong, when he says (*Hist. Excheq.* p. 28) that in the reign of William I., William Fitz-Osbern was the king's constable, *because* he is called *magister militum*. Whereas in the very same passage (of Ordericus Vitalis) he is called *Normanniæ Dapifer*, in virtue of which office he would be *magister militum*. It was not till afterwards that the constable became *magister militum*, being originally an officer subordinate to the dapifer.”—*Pictorial Hist. of England*, vol. i. p. 567.

By the nature of feudalism everything had a tendency to be given in fiefs.

“Among other things, the office of seneschal was given in fief, too, and became hereditary among the Franks, Normans, and at the conquest of England, among the Anglo-Normans. In France, under the Merovingian dynasty, the office was in the family of Charles Martel, from whom sprung the Carolingian dynasty; afterwards the Plantagenet counts of Anjou were hereditary seneschals of France; and in England this high office was granted by William the Conqueror to the Grantmesnils, and thence came by marriage to the earls of Leicester. After the attainder of the family of Montfort, earls of Leicester, the office was given to Edmund the second son of King Henry III., and it then remained in the royal family till its

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\* Ducange Gloss. ad voc. Dapifer et Seneschallus. See also the *Grand Coutumier de Normandie*, c. x. “*Solebat autem antiquitus quidam justiciarius predictis superior per Normaniam discurrere qui seneschallus principis vocabatur.*”—*Conf. La Coutume Réformée de Normandie commentée par Basnage*, t. i. p. 2. col. 2. (Seneschal). See also the charters of the various Frank kings, in the witnessing of which the name of the seneschal or dapifer (sometimes the one word is used, sometimes the other) always stands before those of all the other great officers. It is right to add, that in the English charters, the name of the dapifer, or seneschal, does not *invariably* stand so high as in the French.

† Madox, *Hist. Exchequer* (edition 1711). See also Co. Litt. fol. 61 a, for some account of the judicial part of the office of seneschal, or steward, and some attempt at the etymology of the word, not much more successful than attempts of that kind usually are.

‡ Cotton MSS., Vespasian, b. vii. fol. 99, b. It will also be found in Harl. MSS., 305, fol. 48, transcribed in a modern hand by D'Ewes, who supposed it to be of the age of Edward II. See also Cotton MSS. Titus C. *passim*, at the beginning of which volume there is a well-written tract, which contains the most satisfactory account we have met with of the subject. There is also a tract entitled, “*Summus Angliæ Seneschallus*,” in Somers's Tracts, vol. viii. All these agree in one thing, viz.—the vastness and paramount nature of the authority *originally* wielded by the high steward, though none of them explain the anomaly of the co-existence of such an officer as the high justiciary. This we hope we shall now be enabled to do.

abolition—Thomas Plantagenet, second son of King Henry IV., being the last permanent high steward\*, the office being conferred afterwards only *pro unica vice*.

"In France, when the office became hereditary in the counts of Anjou, it soon became necessary, for various reasons, to have another seneschal, or dapifer, besides the hereditary one; and this officer, whether he be considered as the representative or deputy of the hereditary seneschal, still took precedence, as appears from the charters of the French kings, of all the other great officers of state. In England also, something of the same kind took place, but with this difference—that the various functions of the original grand seneschal, *senescallus Angliæ*, were divided into two parts, and committed to two distinct officers as his representatives; the judicial functions being committed to an officer styled the High, or rather Chief Justiciary; the administrative and those relating to the affairs of the king's palace or household, to an officer styled *not* the *Senescallus Angliæ*, but the *Senescallus*, or *Dapifer Regis*. This explanation will be found to completely remove the confusion that has so long prevailed among the English historians, antiquaries and lawyers on this subject. Our view of the subject, if it needed it, would be corroborated by the high privileges of the officer created in later times, to preside in the House of Lords at state trials, which officer, be it observed, is not 'high justiciary,' but 'lord high steward,' that is, '*Senescallus Angliæ*.' This explanation also removes the difficulty of accounting for the extraordinary powers of the lord high steward's court, which some English lawyers have attempted to get over, by saying that the lord high steward succeeded to some of the powers of the high justiciary, whereas he merely exercises powers which he had delegated to the high justiciary."†—*Pictorial Hist.* Ibid.

Madox, whom Blackstone and others, both lawyers and historians, follow on this subject, has made strange confusion, although even the documentary evidence contained in his own book furnished the means of extricating himself. But he did not know how to use his own instruments. However, he could read black letter—and that is better than nothing. Sir Edward Coke blunders equally with the others on this subject.

The vast power anciently attached to the office of seneschal, dapifer, or steward will be apparent to every one, from the consideration of the fact, that to two of the most powerful royal lines of modern Europe, the Carlovingians and Plantagenets, it

\* For a list of high stewards, see Harl. MSS. 2193.

† Among many other proofs of this, see Madox's *Form. Angliæ*. cclxxxix.

‡ See a *Disquisition on the Office of Lord High Steward*, by Mr. Amos, in Phillips's *State Trials*, Appendix, vol. ii. Mr. Amos falls into the usual error of supposing that the judicial authority of the lord high steward grew out of that which appertained to the chief justiciary at the period when the latter office was abolished.

served as a stepping-stone to the throne. Charles Martel was *maire du palais*, seneschal or dapifer, to the Merovingian kings; and afterwards the Plantagenets, counts of Anjou, were seneschals of France. Though the circumstance has been overlooked by all the historians, we have no doubt that the possession of this high office in England at least greatly aided in rendering the De Montforts, earls of Leicester, so formidable to the royal house of Plantagenet, for which reason indeed the office was first taken into the royal family, and afterwards abolished in England—such an officer being only appointed on certain great and pressing occasions *pro unica vice*. We may add here that the very name of the royal house of Stuart came from their holding the office of High Steward of Scotland.

We proceed with the enumeration of the great officers from the Pictorial History.

“II. *The Chief Justiciary—Capitalis Justitiarius Angliæ*.—This officer was usually a person who had given special attention to the study of jurisprudence. As the representative of the judicial portion of the grand seneschal's power, his authority extended over every court in the kingdom. One of the most distinguished persons who filled this high office was Ranulph de Glanville, to whom is usually attributed the *Tractatus de Legibus et Consuetudinibus Angliæ*, the oldest English law book extant. The two offices of chief justiciary and dapifer seem to have been sometimes filled by the same person; Ranulph de Glanville seems to have been at the same time high justiciary and dapifer\*.

“III. *The Seneschal, or Dapifer Regis*.—That the functions of this officer, as the representative of that portion of the grand seneschal's authority, were political, and not merely, like those of the present lord steward of the household, confined to matters connected with the king's household, is proved from the constant appearance of his name in the charters and other important public documents of the time. His relative position with regard to the mareschal appears from the following passage of Britton: ‘We ordain also, that the earl of Norfolk (marshal) shall, either by himself or his deputy (being a knight), be attendant upon us and our steward, to execute our commands, and the attachments and executions of our judgments, and those of our steward, throughout the verge of our palace, so long as he shall hold the office of marshal.’”†—*Pictorial Hist.* Ibid.

Upon the abolition of the office of chief-justiciary (52 Hen. III.) a very considerable portion of the powers and judicial functions of that high officer appear to have returned to whence they came, *i. e.* to the seneschal or dapifer; and the

\* Madox, p. 35. Beames's Glanville, Introd. p. 12.

† Britton, fo. 1 b.



office of seneschal or *Dapifer Angliæ* being about that time probably considered as in a state of abeyance, those powers and functions were exercised by his representative the *dapifer regis* or lord steward of the household. For this we have the authority of Fleta\*; and it is proved incontrovertibly by the words of the very statute made in the 28th of Edward I. expressly to limit the jurisdiction of the lord steward's court. The things prohibited show that those things were done previously to the prohibition. It is ordained by the statute 28 Edw. I. c. 3, called *Articuli super Chartas*, that this court "from henceforth shall not hold plea of freehold, neither of debt nor of covenant, nor of any contract made between the King's people, but only of trespass done within the house, and of other trespasses done within the verge†, and of contracts and covenants that one of the King's house shall have made with another of the same house, and in the same house, and none other where. And they shall plead no plea of trespass, other than that which shall be attached by them before the king depart from the verge where the trespass shall be committed; and shall plead thence speedily from day to day, so that they may be pleaded and determined before that the king depart out of the limits of the same verge where the trespass was done. And if it so be that they cannot be determined within the limits of the same verge, then shall the same pleas cease before the steward, and the plaintiffs shall have recourse to the common law."

"A large portion," we quote a subsequent chapter of the work already quoted, "of the original power of the court of the steward of the king's household, passed to the court of king's bench. By statute 5 Edw. III. c. 2. it was ordained, that if any one would complain of error in the former court, he should have a writ to remove the record and process before the king in his place, that is, into the king's bench. The court of the steward was originally the court of the king in his place, since the steward was originally the king's immediate representative." The above provision was re-enacted in statute 10 Edw. III. st. 2. c. 1. "So that," ob-

\* Fleta, p. 66.

† The verge (*virgata regia*, from *virga*, the rod of office) or bounds of the household, contained twelve miles.—Fleta, p. 66.

serves Mr. Reeves, "the king's bench was confirmed in the "appellate jurisdiction which the court of the steward and "marshall possessed once over the other courts."—*Pictorial Hist.* vol. i. p. 821.

We now go on to quote the enumeration of the great offices.

"IV. *The Constable—Comes Stabuli*.—An officer who originally had the care of the king's stable and horses;\* afterwards, as the power of the seneschal declined, leader of the armies, or, at least, holding certain posts of honour in them—as, for instance, leading the vanguard in an advance, the rearguard in a retreat.

"V. *The Mareschall, or Marshal*; from German *march* or *marach* horse, and *schalch* servant†. Madox‡ says mareschall is a general name for several officers employed about horses, game, &c. For some time the mareschall was an officer subordinate, in the leading of the armies, to the constable.

"VI. *The Chamberlain*.—This requires little explanation. It is sufficient to observe, that while some of his functions belonged to the king's household, others belonged to the Exchequer.

"VII. *The Chancellor*.—Some law-writers are apt to take an inaccurate view of the history of this officer, giving him an importance in early times which he did not enjoy till long afterwards. There was an officer about the court in later times whose functions and even whose title will furnish a good idea of what the chancellor originally was. This was the 'clerk of the closet,' a sort of confidential chaplain or (before the Reformation) confessor to the king, occasionally employed by him as secretary, or clerk, in the modern sense of the term; and in this capacity he applied the king's great seal to charters and other public documents. But, as Madox observes, 'the chancellorship, from a small beginning, became, in process of time, an office of great dignity and pre-eminence§.' When the grandeur of the seneschal and high judiciary began to decline, the power of the chancellor gradually increased, until it last approached to within a certain distance—for it has never come up to by many steps—that portion of the great seneschal which was represented by the high judiciary. The chancellor, up to a late period, was a churchman. He was *ex officio* chief of the king's chapel||. He also was wont to act with the high judiciary and other great officers in matters of revenue at the Exchequer¶.

"Of the chancellor, we shall add one curious fact, given from an ancient memorial by Madox. 'The chancellor has five shillings a day, and so much in simnells, wine, and other small things\*\*.'

"VIII. *The Treasurer*.—He was mostly an ecclesiastic. Anciently it seems to have been the duty of the treasurer to act with the other barons at the Exchequer, in the management of the king's revenue††. The dignity

\* Ducange, *ad voc.*

† Ducange, *ad voc. Marescalcus, Marescallus.*

‡ Hist. Excheq., chap. ii. p. 30. Edit. 1711.

§ Ibid., p. 43.

|| Madox, p. 42.

¶ Ibid.

\*\* Ibid., p. 131.

†† Ibid., p. 55.

of the treasurer, as well as that of the chancellor, was by no means, however, what it became afterwards, he being an officer subordinate to the chamberlain, much more to the seneschal. But in the mutations brought about by time, which often decrees that the first shall be last, and the last first, the chancellor has become (after the king), in point of dignity, the first officer of the state; and the treasurer, or rather only a portion of him,—namely, the first lord of the treasury,—the first in political power; while the lord steward and lord chamberlain of the household, and the earl, or rather lord marshal, (albeit the last has become hereditary in a potent house of high and comparatively ancient nobility), are little more than old lumber; and the high steward, to all ordinary intents and purposes, is no longer in existence.

"These high officers, who were in fact the king's ministers, formed a standing council, which not only attended to all the public business which is commonly understood at present to fall under the department of the king's ministers, but also to the hearing and decision of causes between suitors,—which, in other words, fulfilled the judicial as well as the administrative office. This council was styled the king's court, and held in his palace, or wherever he happened to be in person. There was a particular branch of this great council or court, held in a particular part of the palace, in which all matters relating to the revenue were transacted, and which, though composed of nearly the same persons, was known by the name of the Exchequer."—*Pictorial Hist.* Ibid.

It will convey some idea both of the original powers of this great council, and of the progress, as society advances from simpler to more complicated machinery for the purposes of government—for those purposes, namely, for which society exists—to state that this court or council originally contained within itself all the powers which are now distributed among the king's privy council, cabinet council, the two houses of parliament, and the various courts of justice. In other words, it exercised at once the legislative, the administrative and the judicial functions. As the laws began to become complicated and voluminous, the judicial portion of the council's duties fell more and more into the hands of regularly bred lawyers; and gradually, as the king found himself under the necessity of giving up at least some share of the legislative power, that portion likewise of the council's functions was first diminished, and at length extinguished: so that with the exception of a small portion of occasional judicial business, the administrative is the only one of the three powers that now remains to that which may be considered as still representing the original king's council, or *curia regis*.



Following downwards the progress of the *curia regis*, we find its traces distinctly preserved through the whole course of our history; and it is extremely curious and interesting to watch the gradual mutation of the relative dignity of the various officers produced by the corresponding change in their relative share in conducting the actual business of the state. The order of the list which we have given above of the great offices of the king's court or household applies more especially to the reign of Henry II. Looking again at this council about the time of Richard II. we find the following the order of the great officers of the king's court, or rather, to adopt what became the usual style from the reign of Edward I. the officers or members of the king's ordinary or privy council. 1. The chancellor. 2. Treasurer. 3. Lord steward. 4. Lord admiral. 5. Lord marshal. 6. The keeper of the privy seal. 7. The chamberlain. 8. Treasurer; and 9. Comptroller of the household. 10. The chancellor of the exchequer, &c.\*

We see here that since our last list the lord high steward or grand seneschal and the high justiciary have disappeared altogether, and the chancellor and treasurer have risen from the bottom to the top of the scale. It will be observed also, that there is yet no appearance of those officers who make an important figure in after times, called secretaries of state.

We shall now pass on at once to the time of Henry VIII. By statute 31 Hen. VIII. c. 10, the following order of precedence was determined.

We quote the appellations as given in the statute.

- " 1. Lord chancellor.
- " 2. Lord treasurer.
- " 3. Lord president of the council.
- " 4. Lord privy seal.
- " 5. Great chamberlain of England.
- " 6. Constable of England.
- " 7. Marshall of England.
- " 8. Lord admiral.
- " 9. Graunde maister, or lord steward of the king's household.
- " 10. King's chamberlain.

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\* Hallam's Middle Ages, vol. iii. p. 205.

"11. King's chief secretary (such is the designation in the statute)."

Here it will be observed that the places of the two first, the chancellor and treasurer, remain the same in order as in the last list, while the lord steward has fallen considerably in the scale, and one or two new officers appear on it.

"The number of privy councillors," says Sir Edward Coke, "is at the king's will; but of ancient time there were twelve or therabouts."\* In process of time however, the privy council increased to so large a number, that it was found inconvenient for secrecy and dispatch. King Charles II. therefore limited it to thirty, of whom fifteen were to be the principal officers of state.† Since that time the number was again increased, with the same inconveniences as before. The result has been, that what is termed the king's cabinet council, composed solely of the principal ministers for the time being, was as it were cut out of it, and now performs the functions anciently performed by the privy council, which functions were in general terms, to borrow the words of Coke, "to consult of and for the public good, and the honour, defence, safety, and profit of the realm," leaving "private causes, lest they should hinder the public, to the justices of the king's courts of justice."‡ So that the rank of privy councillor, as distinct from cabinet minister or cabinet councillor, is now little, if anything, more than an honorary distinction, conferring the title of Right Honourable upon the bearer of it.

As the privy council varied in number, so does the cabinet council. Within the last fifty years the number has received an augmentation to the amount of nearly one half. At present we believe it is about fourteen. In a note, at page 227 of the first volume of his Constitutional Code, Mr. Bentham states, on good authority, that about the time of the earl of Shelburne's administration (1782), there were in the cabinet three grades of power, distinguished by appropriate denominations: the *cabinet* simply, the cabinet with the *circulation*, and the cabinet with the circulation and the *Post Office*. By the *circulation* was meant the privilege of a key to the *box* in which the foreign dispatches, with or without other docu-

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\* 4 Inst. 53.

† Blackstone, i. Com. 230.

‡ 4 Inst. 53.

ments of the day, went its rounds: by the *Post Office*, the power of ordering the letters of individuals to be opened at the Post Office. Such was the information given by a minister to Mr. Bentham. How the matter stands at present, he adds, he cannot say\*.

The more important of the functions performed by the cabinet council may, we believe, be considered as belonging to the legislative rather than the administrative class. When a legislative measure of considerable importance is about to be brought before Parliament by the Government, it is in general minutely discussed beforehand in the cabinet. The usual course has been of late, in regard to such important measures as those on which commissions of inquiry were appointed, for the report of the Commissioners to be sent in parts, as it was written, to the cabinet, who were thus enabled to discuss the matter, and prepare a bill to be submitted to the House of Commons soon after the laying of the Commissioners' report upon the table of the House.

The mention of the cabinet leads us to notice another innovation, comparatively modern; this is not only the name, but in some degree the functions of prime minister. The term *premier*, prime minister, or first minister, appears to have been borrowed from the French late in the seventeenth century. Lord Clarendon, in his life, has the following remark on the term: "First minister,—a title so newly translated out of French into English, that it was not enough understood to be liked, and every man would detest it for the burden it was attended with†."

In none of the lists of great officers of state which we have given above does there appear any sign or symptom of such a name, unless, perhaps, we may take the *Capitalis Justitarius Angliæ*, the chief justiciary, as an exception. And indeed the chief justiciary, in the early stages of our history, may truly be regarded as the king's chief or first minister,—only with more power recognized by the constitution than any modern first minister. The name implies that he was the chief of the king's judges; and this was at a time when,

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\* See Bentham's Constitutional Code, vol. i. p. 227, *note*.

† Life, vol. ii. p. 89.



as we have shown in a preceding part of this article, the king's judges and the king's ministers were equivalent terms. It is of the very nature of offices which become hereditary to fall at least into partial abeyance; for if the qualities required in a certain officer are qualities of a very high, valuable and rare description, it may be pronounced impossible to secure an uninterrupted succession of those qualities in the eldest sons, or in all the sons of any one family. Of the absurdity of making such offices hereditary there could not be a more striking example than this; that there should be an officer recognised by the laws of England as marshal or leader of the king's host, or of the king's forces, and invested with great honour and dignity, and yet that this officer should be, not the Duke of Wellington, but an individual

That never set a squadron in the field,  
Nor the division of a battle knows,  
More than a spinster.

The circumstance above alluded to, viz. the impossibility of securing a succession of the same qualities from father to son for several generations, will account for the great official power of the lord high steward of England, who was hereditary, having early been lodged with the chief justiciary and lord steward of the household, who were not hereditary. It was in this light that the chief justiciary is regarded, and truly, as having been the greatest subject in England. He not only presided in the king's court and in the exchequer, but originally he was, by virtue of his office, regent of the kingdom during the king's absence; and at those times writs ran in his name, and were tested by him\*. After the abolition of the office of chief justiciary, although probably there was never a time when some one of the great officers about the king did not hold and exercise more power than the others, yet the functions of chief minister belonged to no one in particular by virtue of his office. Sometimes the officer who exercised the chief authority might be the chancellor, sometimes the lord steward, sometimes the lord treasurer. As the judicial duties of the chancellor became more compli-

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\* Madox, *History of Exchequer*, p. 16.

cated, weighty and important, and the others began to be confined to occasions of state ceremony, the importance of the lord treasurer as an administrative functionary increased, particularly after the time of lord treasurer Burleigh, who might be considered as long filling the place of Elizabeth's chief minister. However, for some time after, it by no means followed that the office of lord treasurer necessarily implied that of prime minister, as in these days that of first lord of the treasury, though, as it were, only a portion or limb of the lord high treasurer, is understood to do; for example, Charles the First's principal ministers were Laud, archbishop of Canterbury, and Wentworth, the earl of Strafford, lord deputy, and afterwards lord-lieutenant of Ireland.

Enough has been said to show that the great officers of the royal household were, in their original, literally and virtually the great officers or functionaries of the state. It follows, that in the reign of a female monarch, although some of the high offices about the royal person must necessarily be held by ladies, yet none of those high household offices which corresponded to, and were, in fact, originally high offices of state that could only be filled by men, could, in a female reign any more than in a male, be filled by women. Of course we speak of the strictly state offices, such as those of the lord steward and lord marshal. The inferior offices may be disposed of in such manner as the following. Speaking of the "Gentlemen of the Bedchamber" in the reign of Queen Anne, Chamberlayne has the following: "*Note*,—That this high office in the reign of a queen, as at present, is performed by ladies;—as "also that of the grooms of the bedchamber\*. What offices were considered the highest that could be held by a lady during a female reign may be learned by the offices held in the reign of Queen Anne by the celebrated Sarah, Duchess of Marlborough, who may, perhaps, be as justly denominated the great Duchess of Marlborough, as her husband was called the great duke. Sarah was quite a monopolist of offices about the queen's person. The offices of first lady of the bedchamber, groom of the stole, privy purse and mistress of the robes, were all held at one time by her, with the following salaries:

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\* Chamberlayne's *Anglicæ Notitia*, 1704, p. 175.

As groom of the stole, wages . . .	£33	6s.	8d.
board wages .	966	13	4
As privy purse and first lady of the bedchamber . . . . .	2,000	0	0
As mistress of the robes . . . .	No salary mentioned.		
	£3,000	0	0*.

However, the whole amount of what the Duchess of Marlborough received for her employments at court was, by her own account, £5,600 a year. She says, in a work of hers, which we shall refer to more particularly by and by: "As to my offices under the queen, they were indeed considerable, and I have ever acknowledged them to be so, amounting to £5,600 a year, deducting only for taxes and fees†." However, it is but fair to give also the statement of the duchess's income from her various offices as it appears in the answer called "The Other Side of the Question," to the Duchess of Marlborough's book published the same year with it.

"A short computation of the annual income of a certain great man since the beginning of the war.

Written in the year 1704.	Per annum.
Plenipotentiary to the states.....	£7,000
General for the English forces on Mr. How's establishment	5,000
General in Flanders on Mr. Bridge's establishment .....	5,000
Master of the Ordnance.....	3,000
Travelling charges, as Master of the Ordnance .....	1,825
Colonel of the Foot-Guards, being 24 companies .....	2,000
Pension .....	5,000
From the states-general, as general of their forces.....	10,000
From the foreign troops in English pay, at 6d. per £. as per warrant .....	15,000
For keeping a table.....	1,000
	£54,825
His lady's income.	Per annum.
Keeper of the great and home parks.....	£1,500
Mistress of the robes .....	1,500
Privy purse .....	1,500
Groom of the stole.....	3,000
A pension out of the privy purse .....	2,000
	£9,500

\* *Magnæ Britanniae Notitia*; by John Chamberlayne, Esq., Fellow of the Royal Society, 1710.

† *Account of her conduct, &c.*, p. 342. London, 1742.



"The states-general, on the battle of Blenheim, presented a bank-bill of £50,000, besides presents from Germany and Flanders, from officers and others for employments, and the profits on exchange of money, and by safeguards, &c., &c., &c.

"The estate of Woodstock is not reckoned, because it cannot be yet known what it will cost to build and furnish a palace there.

"The emperor gave this year to the value of £50,000, besides what was presented by the king of Prussia, the elector of Hanover, and other courts\*."

We shall now give some account of the duties of one or two of the principal of these offices of the household.

The primary duties of the *dapifer* or steward of the household,—those duties from which he derived his name and his access to the king's presence, and whence also came his high judicial and military offices,—are strikingly marked in the following anecdote recorded by historians of William the Conqueror. William, who was somewhat curious in his eating, one day that his prime favourite William Fitz Osbern, who was *dapifer* or steward of the household and had the charge of the king's table, served him with the flesh of a crane only half-roasted, was so highly exasperated, that he lifted up his fist and would have struck him, had not Odo, his half-brother, warded off the blow. Now as we have already shown in this article this Fitz Osbern was *magister militum*; and he is the same officer described in the "Grand Coustumier de Normandie, c. x.," as a justiciary above all the others, that is, chief justiciary "qui seneschallus principis vocabatur." This gives us a vivid idea of the state of things when the tenure of the very highest offices of the state was not deemed incompatible, but, on the contrary, necessarily and indissolubly connected with that of offices about the person of the monarch, which would now be considered menial offices. The Duke of Argyll, the lord steward of the household at present, is not nearly so great a subject either as regards official rank or substantial power, as this William Fitz Osbern, earl of Hereford, who was not only *dapifer* or lord steward, but leader of the armies and chief administrator of justice. But we cannot easily fancy His Grace of Argyll rated for anything going amiss in the royal *cuisine*, in the cooking or serving of the royal dinner. On the contrary, if we may trust to the "Court

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\* The Other Side of the Question, p. 378, note.

Circular" department of the newspapers, His Grace has more to do with the eating than the cooking or serving up of Her Majesty's repasts.

Some notice of the original or primary duties of the chamberlain may be gathered from the following account of the ceremony of making the king's bed in the time of Henry VIII. extracted from an old MS. which Mr. J. C. Brooke of the Heralds' College, by whom it was communicated to the Society of Antiquaries in 1776, says, in a letter to the president, "was some time in the library of Henry, Duke of Norfolk, earl marshal of England, to whom it came by descent from Thomas, the great Duke of Norfolk, beheaded in the reign of Queen Elizabeth; who married Mary, daughter and co-heir of Henry Fitz-Alan, Earl of Arundel, lord chamberlain to King Henry the Eighth; and which contains the whole duty of the lord chamberlain, and of the offices in his department; is the original copy kept for the information of that earl, (Earl of Arundel, lord chamberlain to King Henry the Eighth); and had been compiled by order of, and approved by, the king himself in council."

*"The oolde ordre of makyng the kynges bedd not to be used nor done, but as hys grace woll comaund and apoynte from tyme to tyme hereafter.*

"Furste, a groome or a page to take a torche, and to goo to the warderobe of the kynges bedd, and bryng theym of the warderobe with the kynges stuff unto the chambr for makyng of the same bedde. Where as aught to be a gentylman-usher, iiii yeomen of the chambr for to make the same bedde. The groome to stande at the bedds feete with his torch. They of the warderobe opennyng the kinges stuff of hys bedde upon a fayre sheete, bytween the sayde groome and the bedds fote, iii yeomen, or two at the leste, in every syde of the bedde; the gentylman-usher and parte commaundyng theym what they shall doo. A yoman with a dagger to sarche the strawe of the kynges bedde that there be none untreuth therein. And this yoman to caste up the bedde of downe upon that, and oon of theym to tomble over yt for the serche thereof. Then they to bete and tuffe the sayde bedde, and to laye oon then the bolster without touchyng of the bedd where as it aught to lye. Then they of the warderobe to deliuer theym a fustyan takyng the saye therof. All theys yomen to laye theyr hands thereon at oones, that they touch not the bedd, tyll yt be layed as it sholde be by the comaundement of the ussher. And so the furste sheet in lyke wyse, and then to trusse in both sheete and fustyan rownde about the bedde of downe. The warderoper to deliuer the second sheete unto two yomen, they to crosse it over theyr arme, and to stryke\*

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\* Stroak, from the Saxon, *strácan*, *lavigare*.

the bedde as the ussher shall more playnly shewe unto theym. Then every yoman layeing hande upon the sheete, to laye the same sheete upon the bedde. And so the other fustyan upon or ii with suche coverynge as shall content the kyng. Thus doon, the ii yomen next to the bedde to lay down agene the overmore fustyan, the yomen of the wardrobe delyverynge theym a pane sheete, the sayde yoman therewythall to cover the sayde bedde. And so then to laye down the overmost sheete from the beddes heed. And then the sayd ii yomen to lay all the overmost clothes of a quarter of the bedde. Then the warderoper to delyver unto them such pyllowes as shall please the kyng. The sayd yoman to laye theym upon the bolster and the heed sheet with whych the sayde yoman shall cover the sayde pyllowes. And so to trusse the endes of the said sheete under every end of the bolster. And then the sayd warderoper to delyver unto them ii lytle small pyllowes, werwythall the squyres for the bodye or gentylman ussher shall give the saye to the warderoper, and to the yoman whych have layde on hande upon the sayd bedde. And then the sayd ii yomen to lay upon the sayde bedde toward the bolster as yt was bifore. They makynge a crosse and kysynge yt where there handes were. Then ii yomen next to the feete to make the feers as the ussher shall teche theym. And so then every of them sticke up the aungel about the bedde, and to lette downe the corteyns of the sayd bedde, or sparver\*.

"Item, a squyer for the bodye or gentylman-ussheer aught to sett the kynges sword at hys beddes heed.

"Item, a squyer for the bodye aught to charge a secret groome or page, to have the keypyng of the sayde bedde with a lyght unto the time the kyng be disposed to goo to yt.

"Item, a groome or page aught to take a torche, whyle the bedde ys yn makynge, to feche a loof of brede, a pott with ale, a pott wyth wine, for them that maketh the bedde, and every man.

"Item, the gentlyman-ussheer aught to forbede that no manner of man do sett eny dysshe upon the kinge's bedde, for fere of hurtyng of the kinge's ryche counterpoynt that lyeth therupon. And that the sayd ussher take goode heede, that noo man wipe or rubbe their handes uppon none arras of the kynges, wherby they myght bee hurted, in the chambr where the kyng ys specially, and in all other."—*Archæologia*, vol. iv. p. 311.

To the chamberlain's department belonged the amusements of the court. In this way he is licenser of plays and theatres; these being originally supposed to exist only for the royal amusement, or at least only at the royal will and pleasure. Can it be for this reason that the authors or compilers of the Court Kalendar place the officers of the chapel royal in the chamberlain's department? The chancellor, as we have shown, was *ex officio* at the head of the king's chapel. However this

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\* Sparver, a camp, or turn-up bed, from *sperran*, *obdere*, to shut, or close up.



may be, we do not see any reason for the practice now adopted by the Court Kalendar, and likewise followed by Mr. Burke, of placing the lord chamberlain before the lord steward. It is in direct opposition to the statute of Henry VIII., quoted above, which the Court Kalendar indeed refers to and follows in the table of precedency which it gives.

The only relic of the lord steward's ancient greatness (and it is but a small one) which appears in the *Notitia Imperii Britannici*, in the Court Kalendar of these modern days of innovation, is the small space allotted to the "court of the marshalsea of the queen's house"—the poor small miserable emblem of what the lord steward once was, in the far distant times, when the title *Normaniæ* or *Angliæ Dapifer* was equivalent to *Normaniæ* or *Angliæ Capitalis Justitiarius et magister militum*, the greatest subject in the land, and who exercised more of the royal power than any man born a subject except one, Oliver Cromwell, has since done. The grand list, the mighty catalogue of his high functions, has now dwindled to a beggarly account of buying and cooking meat and vegetables, to a chronicle of small beer and trencher-scraping. He who was once chief minister, supreme judge, and leader of the armies of England and Normandy, has now to march through Coventry with such troops as her Majesty's scullions, butchers, bakers and green-grocers: for by an act, not of parliament, but rather of the learned and worshipful compilers of the Court Kalendar, who have no doubt been well remunerated for inserting the advertisement in their pages, Her Majesty's tradesmen are all made to figure among the "officers of the queen's household." We would strongly advise the lords and ladies of the bed-chamber and the other royal functionaries of the porcelain-clay description to look to it. For if they suffer such things, such

"Slovenly unhandsome corses"

to come

"Betwixt the wind and their nobility,"

there is no saying what may be the awful consequences, not only to their high occupations, but to their "noble order:" nay, we are not without our fears for the august and time-cemented fabric of the British constitution itself. "To sustain, to repair, to beautify this noble pile," (the British constitution)

says Blackstone, "is a charge intrusted principally to the nobility."—"The protection of the liberty of Britain," continues the same eloquent and learned constitutional lawyer, "is a duty which they owe to themselves who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim at their hands this, the best birth-right and noblest inheritance of mankind."\*

We therefore most earnestly beseech the nobility of Her most gracious Majesty's household to protect themselves from the contamination of scullions, cheesemongers, brewers and green-grocers. We are the more strongly led to make this urgent appeal to these noble members of the royal household, because we bear in mind the disastrous effects to France of any relaxation of the good sound ancient ceremonial of the court. When the somewhat pedantic Roland appeared at court with ribbons in his shoes instead of buckles, the chamberlain or some other officer of the household pointed out the fact to Dumourier, with a grimace expressive of the highest degree of horror and consternation. "Ah!" replied Dumourier, with a responding groan and a sympathetic shrug, "*tout est perdu!*" Things are already proceeding nearly as far as this in England, when tradesmen have their plebeian names stuck in among the officers of Her Majesty's household; and if some stop is not put to such unwarrantable and unconstitutional proceedings, it will soon be too late to stem the torrent, and "all will be lost." We therefore hope that this warning will not be thrown away,—will not fail to meet with the attention it deserves in the proper quarter. But in spite of the mutations of the great innovator and leveller Time, who delights to make the high low, and the low high, we should advise his grace the lord steward to stand up for his proper precedence, which the statute still gives and secures to him.

The following order in which the Court Kalendar places "the Queen's Ministers" also furnishes an example of the mutations, of the ups and downs brought about by Time in this unstable world.

First Lord of the Treasury.  
Chancellor of the Exchequer.

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\* Com. iv. 443.

Lord Chancellor.

President of the Council.

Lord Privy Seal.

Secretaries of State. { Home Department.  
Foreign.  
Colonial.

First Lord of the Admiralty.

President of the Board of Control.

President of the Board of Trade.

Chancellor of the Duchy of Lancaster.

Secretary at War.

The above form the Cabinet. The following are not in the Cabinet.

Postmaster-general.

Lord Chamberlain.

Lord Steward.

Master of the Horse.

Paymaster-general.

Master of the Mint.

Master General of the Ordnance.

Chief Secretary for Ireland.

Attorney-general.

Solicitor-general.

As throwing further light on the subject of this paper we shall give here the order of the members of the Electoral College of the German empire, as it was before the French Revolution. Besides affording the reader an opportunity of comparing this with the order of precedence in the Roman empire, as given above from the "*Notitia*," the description of the particular functions of these high officers at the coronation of the Emperor will throw further light upon the subject of the, to our modern ideas, apparently anomalous union of the performance of what are considered menial offices or services with all but the very highest political and social rank ; and will show how intimately connected that union was with the primary, the fundamental elements of the modern European Governments, and perhaps we may add of modern European civilization. We quote from the article "Germany," in the Penny Cyclopædia, the scrupulous accuracy of which publication is well known.



The first three of the following catalogue were ecclesiastical electors.

" 1. The archbishop of Mayence, arch-chancellor of the empire for Germany.

" 2. The archbishop of Treves, arch-chancellor of the empire for Gallia and the kingdom of Arles (a purely titular office).

" 3. The archbishop of Cologne, arch-chancellor for Italy (also a titular office).

" 4. The king of Bohemia, arch cup-bearer of the empire : he presented the emperor at the coronation with a cup of wine and water.

" 5. The elector of Bavaria, arch-carver of the empire : he bore at the coronation-procession the golden bull before the emperor, and presented to him the dishes at the banquet.

" 6. The elector of Saxony, arch-marshal of the empire : he bore in the great solemnities of the empire the sword of state, and at the coronation preceded the emperor on horseback.

" 7. The elector of Brandenburg, arch-chamberlain of the empire : he bore in the coronation-procession the sceptre, and presented to the emperor a basin with water to wash his hands.

" 8. The elector palatine of the Rhine had the title of the arch-treasurer of the empire ; his duties were to scatter at the coronation gold and silver medals, struck for the occasion, among the people. This electorate became united with that of Bavaria by the accession of the elector to the throne of the last-named principality in 1777, after the extinction of the reigning house of Bavaria.

" 9. The elector of Brunswick-Lüneburg, or Hanover, created by the Emperor Leopold I. in 1692, received in 1706 the title of arch-treasurer ; when the emperor, having put to the ban of the empire the elector of Bavaria, took from him the office of the arch-carver, and bestowed it on the elector palatine of the Rhine, whose office on that occasion was given to Hanover."

We see here the same thing take place in the 18th century which we have already seen happen in the 12th, when the son of Henry II. of England performed the office of *dapifer* or arch-carver or sewer to the king of France. In the above table of the dignities of the German empire we see that the arch-cup-bearer is placed before the arch-carver, or in other words, the butler before the *dapifer* or seneschal : which is quite contrary to the order of the Franks and Normans, as already shown, and as will further appear from the order of the names in the following charters of the kings of France.

LOUIS VII.—1178.

1. The count Thibaut, our seneschal.
2. Gui, the butler.

3. Renaud, the chamberlain.

4. Raoul, the constable.

Given by the hands of Hugues second, chancellor\*.

LOUIS VII.—1178.

1. Count Thibaut, our seneschal.

2. Gui, butler.

3. Renaud, chamberlain.

4. Raoul, constable†.

PHILIP AUGUSTUS.—1183.

1. Count Thibaut, our seneschal.

2. Gui, the butler.

3. Mathieu, chamberlain.

4. Raoul, constable‡.

PHILIP I.—1085.

1. Hugues, sénéchal de l'hotel.

2. Garton de Poissy, connétable.

3. Pains, d'Orléans, chambellan.

4. Guy, frère de Galeran, chambrier§.

LOUIS VI.—1123.

1. Etienne, seneschal.

2. Gilbert, butler.

3. Hugues, constable.

4. Albert, chamberlain.

5. Etienne, chancellor||.

LOUIS VII.—1137.

1. Raoul, count de Vermandois, seneschal.

2. Hugues, constable.

3. Guillaume, butler.

Given by the hand of Augrin, chancellor¶.

But the order is perhaps still more emphatically and distinctly marked in the witnessing of certain ordinances of Philip Augustus, by the way in which the absence of the

\* Recueil des Ordonnances, t. i. p. 15 ; t. xi. p. 209.

† Ibid., t. xi. p. 209—211.

‡ Ibid., t. xi. p. 226.

§ Les Antiquités de la ville et du duché d'Etampes, par Fleureau, p. 78. We give this in the French from the difficulty of distinguishing in English the words *chambellan* and *chambrier*.

|| Recueil des Ordonnances, t. xi. p. 183.

¶ Ibid., t. xi. p. 188.

names of the seneschal and c.  
vacancy of those offices.

PHILIP AUGUSTUS.

1. No seneschal.
2. Guy, butler.
3. Mathieu, chamberlain.
4. Dreux, constable.

Given during the vacancy of the c.

PHILIP AUGUSTUS.—1204.

1. No seneschal.
2. Guy, butler.
3. Mathieu, chamberlain.
4. Dreux, constable.

Given during the vacancy of the chancellorship, by the  
hand of brother Garin†.

The following is to the same effect.

LOUIS VIII.—1224.

1. No seneschal.
2. Robert, butler.
3. Barthelemy, chamberlain.
4. Mathieu, constable.

By our own hand‡.

The way in which the names of these high officers are put  
resembles somewhat that in which the servants of a private  
family in England are now designated, as

—— steward.

—— butler.

John, footman.

Peter, coachman.

Auguste, cook.

Betty, under-cook, &c., &c.

The seneschal or steward again is spoken of as if he were  
a better sort of person; he is the count so and so, our se-  
neschal. And it will be observed that however the order of  
the others may vary, the seneschal or steward is always first;  
while the chancellor, an ecclesiastic, appears to have retained

\* Recueil des Ordonnances, t. xi. p. 277.

† Ibid., t. xi. p. 286.

‡ Ibid., t. xi. p. 322.



3. Renaud, the chamberlain.

4. Raoul, the constable.

Given by the hands of Hugues second, chancellor\*.

LOUIS VII.—1178.

1. Count Thibaut, our seneschal.

2. Gui, butler.

3. Renaud, chamberlain.

4. Raoul, constable†.

PHILIP AUGUSTUS.—1183.

1. Count Thibaut, our seneschal.

2. Gui, the butler.

3. Mathieu, chamberlain.

4. Raoul, constable‡.

PHILIP I.—1085.

1. Hugues, sénéchal de l'hotel.

2. Garton de Poissy, connétable.

3. Pains, d'Orléans, chambellan.

4. Guy, frère de Galeran, chambrier§.

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2. Gilbert, butler.

3. Hugues, constable.

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*The Queen's C*

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vacancy of those offices.

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1. No seneschal.
2. Guy, butler.
3. Mathieu, chamberlain.
4. Dreux, constable.

Given during the vacancy of the c.

PHILIP AUGUSTUS.—1204.

1. No seneschal.
2. Guy, butler.
3. Mathieu, chamberlain.
4. Dreux, constable.

Given during the vacancy of the chancellorship, by the  
hand of brother Garin†.

The following is to the same effect.

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† Ibid., t. xi. p. 286.

‡ Ibid., t. xi. p. 322.

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functions and station, viz., of king's private secretary, much longer and more completely than in England.

At the commencement of a female reign the functions appertaining to the higher class of female officers of the household are naturally objects of some interest. On that account we shall give some extracts from the duchess of Marlborough's "Account of her Conduct," &c., which will be found to contain some rather curious details on the subject.

An examination of the following account will furnish politicians of the calibre of Mr. Joseph Hume with an argument for a queen regnant in preference to a king. It appears the difference between the expences for the robes of a queen and those for the robes of a king is, or at least was, so considerable as to produce a saving of about £2000.

"An account of the state of the disbursements and allowances in the office of the robes, within the times hereafter mentioned.

"Collected by Mr. Auditor Harley.

Masters of the Robes.	From	£	s.	d.
Earl of Ogle.....	{ May the 29th 1660, to March 25th 1662.....	16831	10	1
L. Hyde Esq.....	{ March 25 1662, to March 25 1663.	6781	15	6
L. E. of Rochester...	March 25 1663, to March 24 1664.....	6968	4	10
	March 25 1664, to March 24 1665.....	6982	16	8
	March 25 1665, to March 24 1666.....	6085	1	0
	March 25 1666, to Sept. 29 1668 .....	5158	10	3
	Sept. 29 1668, to Sept. 29 1669 .....	5480	16	2
	Sept. 29 1669, to Sept. 29 1670 .....	4518	7	11
	Sept. 29 1670, to Michaelmas 1671 ...	6723	3	0
	Michael. 1671, to Michael. 1672 .....	5861	6	11
	Michael. 1672, to Michael. 1673 .....	5617	14	4
	Michael. 1673, to Michael. 1674 .....	5407	13	3½
	Michael. 1674, to Michael. 1675 .....	4283	8	11
	Michael. 1675, to Michael. 1676 .....	4572	16	8½
	Michael. 1676, to Michael. 1677 .....	5427	3	3½
	Michael. 1677, to Lady-day 1678.....	2508	1	6
H. Sydney, Esq.....	Lady-day 1678, to Lady-day 1680.....	3832	1	7½
	Lady-day 1680, to Lady-day 1681.....	4305	19	6½
	Lady-day 1681, to Lady-day 1682.....	8028	17	8½
Earl of Rochfort.....	Feb. the 13th 1688, to Feb. 13 1689...	4473	4	4
	Expence for the Coronation .....	2627	19	1
	Feb. 13 1689, to Feb. 13 1690 .....	4206	1	8
	Feb. 13 1690, to Feb. 13 1691 .....	4525	6	5½
	Feb. 13 1691, to Feb. 13 1692 .....	4100	13	2



Earl of Rochfort.....	Feb. 13 1692, to Feb. 13 1693 .....	4369	7	5
	Feb. 13 1693, to May 5 1695.....	5545	18	2
Earl of Albemarle ...	May 5 1695, to May 4 1696 .....	3513	7	9
	May 4 1696, to May 4 1697 .....	5111	5	6
	May 4 1697, to May 4 1698 .....	3120	19	5½
	May 4 1698, to May 4 1699 .....	5733	10	2½
Her Grace the Duchess of Marl- borough.....	} March 8 1701, to Lady-day 1703 ... Lady-day 1703, to Lady-day 1704..... Lady-day 1704, to Lady-day 1706 .....	3950	16	7
		3156	3	8
		4458	6	10
—An account of the conduct of the dowager Duchess of Marlborough, &c.; in a letter from herself to my lord.—London, 1742, p. 359."				

On this account the duchess makes the following observations.

"Whoever will be at the pains to compare the four last years in those accounts (when I had the management of the robes) with the preceding years in the same accounts, will find, that the yearly expence of the robes in all the reigns before Queen Anne, is, one year with another, above 5040*l.* whereas the expence of the four first years of her reign, one with another, is not 2900*l.*"—*Ibid.* p. 320.

Her grace then enters into a detailed examination, to show that the expence of Queen Anne's robes under her management was less than that of Queen Mary's robes. She says :

"But because there is a great deal of difference between the expences for the robes of a queen, and the expences for those of a king, it will be more equitable to compare my accounts for the robes of Queen Anne, with those for Queen Mary's robes, when under the management of lady Derby, of which, for two years, I procured a copy from the office.

"It appears that in the first of those two years, the expence of Queen Mary's robes was greater by a thousand pound, than that of Queen Anne's for the whole four years mentioned in auditor Harley's collection. For the expence of those four years was no more than 11,565*l.* 7*s.* 1*d.*, whereas the expence of the first year only of Queen Mary was 12,604*l.* 12*s.* 2*d.* It appears also that the expence of the robes, in the second year of Queen Mary, was 11,131*l.* 9*s.* 1*d.*, which is not many hundred pounds short of the whole expence of the said four years of Queen Anne."—*Ibid.* p. 320—321.

She thus proceeds :

"After these four years, the expence of the following five years (which make up the whole time of my service) amounting to 18,972*l.* 9*s.* 10*d.*, was more in proportion than that of the said four preceding years. This was chiefly occasioned by the extraordinary expence on account of the mourn-

ing for the prince, and the queen's ordering everything belonging to the robes of what kind soever to be given away, so that at the end of the mourning all were new at once, and amongst them some very rich clothes, which happened just before I left the office. These two articles necessarily made a considerable increase of the ordinary expence, especially as the queen gave 600*l.* to the maids of honour to buy them mourning. However, the yearly expence of my nine years, taken one with another, is very small in comparison of the two years before-mentioned, when lady Derby managed Queen Mary's robes: for the sum total paid by the Exchequer on account of the robes in my nine years, amounts only to 32,050*l.* 1*s.* 3*d.*, as will appear to any one who will take the trouble to look into the Exchequer Rolls, and if I paid more it must have been out of my own pocket, an indiscretion of which nobody has suspected me. If from this sum of 32,050*l.* 1*s.* 3*d.* be deducted the coronation expence, which was 1512*l.* 4*s.* 4*d.*, there will remain 30,537*l.* 16*s.* 11*d.*, and then the yearly expence of the said nine years, one with another, will be 3393*l.* 1*s.* 9½*d.*. But it is to be observed, that in this sum are included the salaries and many other things relating to the robes, amounting to about 1400*l.* a year, which I always put into my account, (because I thought it the fairest way) but which before my time were put into a separate account, that the account of the robes might appear the less. If therefore you subtract this 1400*l.* from the above sum of 3393*l.* 1*s.* 9½*d.*, the remainder (the yearly expence of Queen Anne's robes in my nine years) is only 1993*l.* 1*s.* 9½*d.*, which is less than the yearly expence of Queen Mary's robes, (according to Lady Derby's accounts hereto annexed) by the yearly sum of 9874*l.* 18*s.* 10½*d.* So that it evidently appears, that by my economy in the nine years I served her Majesty, I saved her near 90,000*l.* For I believe it will be granted, that without incurring any censure, I might have swelled the accounts for Queen Anne's robes, to as large a sum as Lady Derby did for Queen Mary's."—*Ibid.* p. 321—323.

Her grace then gives the following account, which at the present time will be found not uninteresting, of the methods she used to reduce the expences of the robes to so small a sum.

"It is very well known, that in the preceding reigns, the tradesmen gave money to serve the crown, which brought in great sums to the masters of the robes, but at the same time obliged the tradesmen to charge extravagant prices for their goods, a privilege which could hardly be disputed with them, considering the sums they had given for the custom, and the accidents they were then always exposed to by the death of the prince, or the death or removal of the master of the robes. But the tradesmen whom I made use of had nothing of this to plead; they gave no money to serve the crown, nor were put to any expence, not so much as the customary one of poundage; they were paid regularly, ran no manner of hazard, and had no more trouble in serving the queen than in serving a common customer, and therefore I did not think it reasonable

that they should be allowed above a shilling or two in the pound extraordinary for their goods. But those who had the honour to see the queen, and to make her clothes, were allowed more than the double of what they had from the first quality. And this was all I thought myself at liberty to do in an office in which I was entirely trusted.

"My method to prevent all mistakes or abuses, was always to sign the tradesmen's bills at the same time that they delivered their goods. They were paid by Mrs. Thomas, a person of whose honesty I had had long experience, and to whom I had given the employment of chief of the robes, making it worth to her between two and three hundred pounds a year, not by a salary, but by old clothes and other little advantages; and I had a promise from her, never to take money of any of the tradesmen. It is very certain that she was punctual to this promise, and if any of the tradesmen\* themselves are still living, they will I am sure bear witness to it.

"I come now to my management of the privy purse, the yearly allowance for which was 20,000*l.*, not half the sum allowed in King William's time, and indeed very little, considering how great a charge there was fixed upon it by custom, the queen's bounties, play money, healing gold, and charities, besides the many pensions that were paid out of it. The allowance was augmented to 26,000*l.* two years before I left the office. But in those two years Mrs. Masham was become the great dispenser of the queen's money, I only bringing to her Majesty the sums that were called for.

"The privy purse is not subject to any account by law, notwithstanding which I observed the same method with regard to this as with regard to the robes, taking acquittances from all persons to whom I paid any money, and from the queen herself for all sums paid into her own hands, as likewise a discharge from her Majesty upon every account given in, which discharge was in these words :

"I have examined these accounts, and am satisfied they are right.

"ANNE R.

"The money of the privy purse was paid upon my notes, by Mr. Coggs, a goldsmith, over against St. Clement's church, whom I strictly charged never to take any poundage, which used constantly to be taken before my time. But I thought it would be as mean as it was inhuman, to deduct from charities, and make advantage of the indigence of others, and therefore I broke that custom. Let any one then judge from the whole, whether I did not put this office into such a method as rendered it impossible for me to cheat the queen, even supposing I could at any time have been base enough to desire it."—*Ibid.* p. 324—328.

The duchess had also been accused of selling places. Her answer to this accusation is as follows; and will throw light

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\* The principal of them were Mr. Vernon, Mr. Inchly, Mr. Sands upon Ludgate-hill, and Mr. Alexander in Covent-garden, all mercers; Mrs. Devet, Mrs. Tombes and Mr. Bagshaw, who kept Indian shops; and Mr. Eliot (since succeeded by his nephew) a laceman in the Strand.



on the former practices which prevailed in regard to that matter.

"As to selling places, which was the last thing I was to clear myself from, I shall now give an account of my conduct with respect to this charge, from the time that I came first into any office at court.

"A little before I succeeded Lady Clarendon in the post of first lady of the bedchamber to the Princess of Denmark, her highness wrote to me, that she intended to take two new pages of the back stairs, but that she would not do it till my Lady Clarendon was gone, that I might have the advantage of putting them in, meaning, that I might have the advantage of selling those two places. For it must be remark'd, that at that time no person who was in any office at court, with places in his disposal, made any more scruple of selling them, than of receiving his settled salary; or the rents of his estate. It is no great wonder therefore, that being a young courtier, and not very rich, and having such an express direction from my mistress, I followed the prevailing custom, and sold those two places. Yet it was not long before I began to condemn in my own mind this practice. There was something I thought that felt wrong in the selling of employments, and from this thought I came presently to a resolution, never more to make any advantage to myself by such means. And when, some time after, the princess thought proper to part with her Roman Catholick servants, three in number, of whom two were pages of the back-stairs, and of which two one had bought his place of me at the time before mentioned, and paid 400*l.* for it, I gave him back the whole sum; and I gave the like sum to the other Roman Catholick page, though he had risen to this employment from being footman, and without money. Nay, I procured for this man, (whose name was Guyn) the continuation of his salary for life, which I mention, only that I may speak of his uncommon gratitude. For during five and twenty years afterwards, I did not set out upon a journey from London, without finding him at my coach side full of his good wishes for my health and happiness.

"The first vacancy that happened under the prince (whose confidence in me was equal to that of the princess) was of the place of groom of the bed-chamber. This I procur'd for Mr. Maul, who knowing what was usual in such cases, sent a message to me, desiring leave to make me a present, to which I immediately return'd answer, that I was resolved against every thing of that kind.

"Another place that became vacant under the prince, was that of groom of the stole, which being given to my Lord Delawar, he brought a present of 500*l.* to Mr. Guidot for me; but Mr. Guidot, who knew my dislike of such practices, quickly satisfied him that I would not accept of it. I had afterwards many letters from his lordship, and some but a little before my leaving the court, full of the greatest acknowledgements; and to him I always appeal'd for the truth of this fact.

"I also refused a present from my Lord Lexington, who employ'd Mr. Scarborough to make me the offer, when his lordship was desirous to be master of the horse to the prince.

"When the queen came to the crown, I had every day much greater opportunities than before, of making advantage of her favour, but I invariably adhered to the resolution I had taken : and I doubt not but every candid person will be perfectly convinced of this, when I have finished what I have to say upon the subject.

"Had I been disposed to heap up money by the sale of employments, I should certainly not have neglected to sell those, which by virtue of my offices were in my own disposal. I might have done it with the greatest ease ; and custom had given me a sort of right to do it : but I could never think of selling my own favour, any more than that of my royal mistress.

"The first places, which I had to dispose of, were those of the three pages of the back-stairs ; places so considerable, that several grooms of the stole were credibly said to have sold them for a thousand guineas each. But these I gave freely to Mr. Kirk, Mr. Saxton, and Mr. Smith, and purely at the request of three ladies, the Lady Charlotte Beverwaert, the Lady Fitzharding, and the Countess of Plymouth.

"The other places in my disposal were in the office of the robes—waiters, coffer-bearers, groom of the wardrobe, chief of the robes, starcher, sempstress.

"Were the persons I have named above, and those to whom I gave these last mentioned employments, all or most of them now living, as they were in 1712, when this account was first drawn up, their testimony (to which I had there appeal'd) would have amounted to a positive proof of my integrity and disinterestedness on these occasions. But as this kind of proof cannot now be had, so neither is it wanted, there being still a negative one, which, I am persuaded, must appear no less strong and irresistible. And it is this.

"My enemies at a time, when they had all power in their hands, when they had raised such a spirit of virulence and malice as would make any thing to my prejudice readily believed, when they both could and would have amply rewarded any person that was capable of proving the base practices they charged me with, even then I say, all their accusations were general ; they were never able to fix upon me any one particular action, either unjust, mercenary, or even ungenerous in the use I made of my royal mistress's favour, or in the management of my own great offices. Nay, they never pretended to name or to appeal to any one person for a proof of what they laid to my charge.

"But, my lord, all I have hitherto said on this article of accusation, is to satisfy those who are not acquainted with me. Those who are, will, I am persuaded, believe me, upon my word, when I affirm, as I here solemnly do, that (excepting the pages' money above mention'd) I never received the value of one shilling in money or jewels, or in any other form, either directly or indirectly, by myself, or by any other person, for procuring any place or preferment, or any title of honour, or any employment in my own disposal, or, in a word, for doing any favour during my whole life."—*Ibid.* p. 351—358.

We shall conclude with a few observations on the last

three works named at the head of this article, which have all three more immediate reference to the ceremony of the coronation. As these works contain the same errors respecting the great officers of the king's court which we have noticed as running through all the works on the subject, and as from their bearing upon an occasion of public interest they may have a greater tendency than otherwise they might have from their more intrinsic merits to extend and keep up these errors, we shall do our endeavour to counteract that tendency.

The first-named of the three, "The Glory of Regality," by Mr. Arthur Taylor, is by far the most elaborate and learned of the three, and indeed has probably furnished the basis of the others, particularly the "Chapters on Coronations." This latter, however, contains much more information of any value on the subject to which this article more particularly refers, viz. the relative places of the several great offices, than Mr. Planché's work, which appears to be rather devoted to the mere pageantry of the coronation ceremony.

The principal errors to which we have called attention in the preceding pages have had reference to the offices of lord high steward, chief or grand justiciary, and lord steward of the king's household. These errors again meet us in the books now under consideration. Thus Mr. Arthur Taylor, at p. 124 of his work, says:—

"The *Dapifer* or *SEWER* is the officer who brings up and arranges the dishes at a feast, a service which is performed with great ceremony at the coronation-dinner of our kings. The *dapifer* was a person of high rank and dignity in the courts of some European sovereigns: we have before seen that in the Empire he was in the number of the electors, and his title hereditary. In England, although the office appears not to have attained so high distinction, it is yet treated by the old ceremonials as one of the most honourable courtly services—I do not indeed find that it is any where said to have been held by tenure of lands, or to have been an hereditary honour."

Now this passage shows that the learned writer is not at all aware of the existence of any connection between the office of *dapifer* and the offices of lord high steward and steward of the household—that those offices are in fact identical. What we have already said would be sufficient to demonstrate this, but we shall attempt to render it still more apparent.



And first we quote from the Harl. MSS. 2194, the following list of the high stewards till the extinction of that officer, except for special occasions, *pro unica vice*.

1. William Fitz Osberne, earl of Hereford. 2. Will. I.
2. Hugh Grentemesnill, lord of Hinkley.
3. Robert Beommont, earl of Leicester, who had it in right of his wife, eldest daughter of Grentemesnill.
4. Robert, his son.
5. Symon de Montfort, earl of Leicester, in right of his wife, eldest daughter of the above.
6. Symon de Montfort, second of that name.
7. Edmund, second son of king Henry III., earl of Lancaster, Leicester and Derby.
8. Thomas Plantagenet, his son and heir.
9. Henry of Lancaster, heir to the preceding.
10. Henry of Monmouth, heir to the preceding.
11. John of Gaunt, fourth son of Edward III.
12. Henry Plantagenet, his son and heir (Henry IV.)
13. Thomas Plantagenet, second son of king Henry IV.

Now we have already seen that the William Fitz Osberne here mentioned had, as *dapifer*, the charge of the king's table, and that on one occasion he narrowly escaped a blow of his master the Conqueror's fist, for serving him with the flesh of a crane only half-roasted. And yet this William Fitz Osberne was so powerful, that his son and heir Roger Fitz Osberne, complaining of the king's conduct in prohibiting his marriage with the daughter of the earl of Norfolk, said it was an insult offered to the memory of his father, Fitz Osberne, the man to whom the bastard incontestably owed his crown; and in consequence raised a rebellion against king William. We see here a vivid picture of the primary character of the office. The man who was the king's *dapifer*, (which term, though it literally may mean *sewer*, yet as we have already shown is rather a Latin translation of the word *seneschal* or steward) that is, the man who had the charge of the king's table, not the merely nominal and mediate, but the substantial and immediate superintendence of it, was the greatest and most powerful subject,—the at once highest political, judicial and military officer in the kingdom. This is unquestionably the *dapifer* or sewer who makes his appearance at the corona-

tion-feast of the kings of England, and whom these writers on coronation antiquities seem to fancy to be an officer distinct from and unconnected with the lord high steward or his representative the steward of the household. One would imagine that they might have been led into a suspicion of something of the kind from the circumstance of there being no part assigned for the lord steward of the household in their programme, when they well know that the superintendence of the royal table is the lord steward's especial department. "The coronation of George IV.," says the Author of "Chapters on Coronations," "which took place on July 19, 1821, was the most splendid ever celebrated in England, and from the ceremonials used on that occasion, which were performed with great care, we have taken the order of the processions in the preceding chapters of this work," p. 196. Turning then to the order of the procession of bringing up the dishes at the coronation-feast, we find it given as follows, at p. 133. of the same work.

"Two Clerks Comptrollers, in velvet gowns trimmed with silver lace.

Two Clerks of the Green Cloth.

Six Serjeants at Arms, with their maces.

Three Great Officers of State, in their robes and coronets, mounted on superb chargers, with their staves of office,

Earl Marshal.

Lord High Steward.

Lord High Constable.

Six Serjeants at Arms, with their maces.

Comptroller of the Household.

Treasurer of the Household.

Assistant to the Royal Sewer.

The Sewer.

Twenty-four Covers borne by the Gentlemen at Arms, two and two.

A Dish of Dillegrout, brought by the Lord of the Manor of Addington.

Two Clerks of the Kitchen, in satin gowns."

Now, as we have already shown, the officer who figures here as lord high steward, is properly and was originally the *dapifer*, or chief sewer; and when this office became hereditary, it became necessary to appoint another to perform those duties of the office which required not only constant attendance about the person of the monarch, but likewise, seeing that some of those duties were of a high administrative, judicial and military character, a greater share of abilities than could with safety be calculated on as hereditary. Consequently an officer was appointed, who appears in the records and statutes of the kingdom, under the various names of *dapifer*

*regis*\*, (the literal translation of which is "king's sewer," though the word sewer was not the proper or legal name of the officer, but dapifer, seneschal or steward,) *seneschal del hostiel le Roi*†, *grand maistre del hostel du Roy*‡, and lord steward of the king's household§. This officer should undoubtedly bear a principal part in serving up the dishes to the royal table at a coronation banquet; and we conceive that the appointment of any sewer independent of him on that occasion must be grounded not either on correct analogy, or ancient usage and well-established precedent, but on total misapprehension of the matter. It is indeed stated in Mr. Taylor's book, (p. 125.) on the authority of MS. Cott. Vesp. A. v. and Collins's Extinct Peerage, *tit.* Radcliffe, that at the coronation of Edward VI., the office of sewer was claimed (though the claim has now been long extinct) by Henry, earl of Sussex, lord Fitz-Walter, in virtue of letters patent, dated 25 Henry VIII. Such letters patent must have been granted on a misapprehension of the nature, at least of the original nature of the office of steward of the household; which is the more probable, as the term dapifer for that officer had been long disused. And as by the time of Henry VIII. manners had varied a good deal from the primitive simplicity of the times of the Conqueror, and as Henry VIII. wished to render the office of steward of the household as dignified as possible when he conferred it on his favourite Charles Brandon, duke of Suffolk, who had married his youngest sister, (to which end he gave it, by statute 32 Hen. 8. c. 39, the new name of lord grand master of the household, or *grand maistre del hostel du Roy*, probably in imitation of the old *maire du palais* of the Frank kings,) he probably did not wish to suppose the offices of lord steward or lord grand master and sewer in any point identical. However that may be, we think it beyond a doubt that the "sewer" at a coronation-feast means the dapifer, seneschal, or steward; whether it be taken for the *Dapifer Angliæ*, grand-seneschal, lord high steward, or *Dapifer regis*, *seneschal del hostiel le Roi*, i. e. lord

\* Madox Fori. Anglic. cclxxxix., and see most of the Charters of the earlier Anglo-Norman kings.

† Stat. 28 Ed. I. c. 3.—5 Ed. III. c. 2., and 10 Ed. III. stat. 2. c. 1.

‡ Stat. 31 Hen. VIII. c. 10.—32 Hen. VIII. c. 39.

§ Stat. 1 Mar. stat. 3. c. 4.



steward of the household. While we are on this subject, we shall notice another error regarding the lord steward of the household, which occurs at p. 44 of the "Chapters on Coronations."

"There is likewise a lord steward of the king's household, who is the chief officer of the king's court, has the care of the king's house, and authority over all the officers and servants of the household, except such as belong to the chamber, the chapel, and the stable. This officer, though sometimes confounded with the high steward, never possessed any political or judicial functions."

The last sentence of the above extract evinces a greater ignorance of English law and English history than we should have expected in a writer who quotes Coke and Littleton. As we have already seen, Fleta describes the seneschal, dapifer, or lord steward of the household as filling the place of the chief justiciary on the abolition of the latter. Fleta also places his court above all the other courts, and next to the high court of parliament. Of the principal part of the very high and extensive jurisdiction which it exercised this court of the lord steward was deprived, as we have already seen by stat. 28 Ed. I. c. 3. It appeared however, by subsequent statutes, particularly 15 Hen. VI. c. 1, that the statute above-mentioned was to a considerable extent evaded by the fiction of making the litigant parties to be of the king's household when they were not so. The statute of Henry VI. above referred to was made to remedy this. So that by the time of Henry VII. the jurisdiction of this court was reduced almost to nothing compared to what it had once been. A large portion of the power which the court of the steward of the household originally possessed passed to the Court of King's Bench. By statute 5 Ed. III. c. 2., it was ordained, that if any one would complain of error in the court of the steward he should have a writ to remove the record and process into the Court of King's Bench. This provision was re-enacted in statute 10 Ed. III. stat. 2. c. 1. "So that," observes Mr. Reeves in his *History of the English Law*, vol. ii. p. 420, "the King's Bench was confirmed in that appellate jurisdiction which the court of the steward and marshal possessed once over the other courts." In this state of things, the statutes 3 Hen. VII. c. 14., and 33 Hen. VIII.

c. 12. conferred some new powers upon it, or rather, to speak more accurately, revived some of its old.

The statute 3 Hen. VII. c. 14. made it felony for any servant of the king, being inrolled in the cheque-roll, to compass or imagine the death of the king, or of any lord, or privy-councillor, steward, treasurer, or comptroller of the household. This offence was to be inquired of by twelve persons, inrolled in the cheque-roll, before the steward, treasurer, and comptroller of the household.

The statute 33 Hen. VIII. c. 12. created a criminal court to be held before the lord great master, or lord steward of the king's household; and in his absence before the treasurer, comptroller and steward of the Marshalsea, or two of them, whereof the steward of the Marshalsea was to be one. They were to hear and determine all treasons, misprisions of treason, murders, manslaughter, bloodsheds, and malicious striking, by reason whereof blood was shed, within any of the palaces or houses of the king, while he was personally resident there. The inquiry was to be by a jury of yeomen officers in the cheque-roll. The form of proceeding, particularly with regard to cutting off the hand, which is part of the punishment for shedding blood in the king's court, is very minutely set forth in the statute; some part of the ceremony being assigned to almost every officer in the household, from the serjeant-surgeon, who was to sear the stump when the hand was stricken off, to the serjeant of the wood-yard, who was to bring a block, with a beetle, a staple and cords, to bind the hand upon the block till execution. But we have now said enough in answer to this learned writer's assertion, that the steward of the household, "*though sometimes founded with the high steward, never possessed any political or judicial functions.*"

The same writer then proceeds to give the following description of the *lord high constable*.

"The Lord High Constable is next in dignity to the lord high steward, but his office is more ancient, and was at one time more important. His ensign of office is a staff somewhat like a field-marshal's baton. The name of constable is derived from the Latin words *comes stabuli*, which may be translated 'master of the horse,' for in the later ages of the Roman empire this dignitary had the government of the army, which then consisted principally of cavalry."—*Ibid.* p. 44.

It is only necessary to refer the reader back to the preceding part of this article, to show him that these assertions respecting the constable rest upon an equally sound foundation with those before made respecting the steward.

Both in Mr. Taylor's book, and in the "Chapters on Coronations," a good deal of space is devoted to the consideration of the office of chief butler, an officer who makes a much less prominent appearance in the English records than in those of some other countries. The names of the steward and chamberlain appear as witnesses to most of the charters of our earlier Anglo-Norman kings—that of butler seldom. We extract from the "Chapters on Coronations" the following passage on this subject, chiefly on account of the curious legend it contains.

"The office of butler of England was granted by William the Conqueror to one of his companions in arms, William de Albini, and united by tenure of grand serjeantry with the castle and manor of Buchenham, and certain other manors in the county of Norfolk. It seems probable that this office was not one of mere state, but was connected with the collection of a duty levied by virtue of the royal prerogative on all wines imported into the country. This duty was usually called the prisage of wines, and was originally the best cask of wine before the mast, and the best cask of wine behind the mast. As, however, it soon became usual to pay a pecuniary composition instead of the wines, the levying of prisage in England was transferred to the ordinary officers of the revenue. The prisage of wines in Ireland was granted to the Fitzwalters, who thence took the name of Butler, and it was long a hereditary privilege of the earls of Ormond.

"The office of chief butler was transmitted to William, the second of the Albini family, a very remarkable person in his age; and as his romantic history is connected with the butlery, we shall extract it from Dugdale. 'It happened that the queen of France, being then a widow and a very beautiful woman, became much in love with a knight of that country, who was a comely person, and in the flower of his youth; and because that she thought no man excelled him in valour, she caused a tournament to be proclaimed throughout her dominions, promising to reward those who should exercise themselves therein according to their respective merits, and concluding, that if the person whom she so well affected, should act his part better than others, in those military exercises, she might marry him without any dishonour to herself.

"Hereupon divers gallant men hasting to Paris, among others came over this our William de Albini, bravely accoutred, and in the tournament excelled all others, overthrowing many, and wounding one mortally with his lance; which being observed by the queen, she became exceedingly enamoured of him, and forthwith invited him to a costly banquet; and



afterwards bestowing certain jewels upon him, offered him marriage. But he, having plighted his troth to the queen of England, then a widow, refused her; whereat she grew so discontented, that she consulted with her maids how she might take away his life; and in pursuance of that design enticed him into a garden where there was a secret cave, and in it a fierce lyon, into which she descended by various steps, under colour of showing him the beast. And when she told him of his fierceness, he answered that it was a womanish and not manly quality to be afraid thereof; but having him there, by the advantage of a folding-door, thrust him in to the lyon. Being therefore in this danger, he rolled his mantle about his arm, and putting his hand into the mouth of the beast, plucked his tongue out by the root, which done, he followed the queen to her palace, and gave the tongue to one of her maids to present to her.

“Returning therefore into England, with the fame of this glorious exploit, he was forthwith advanced to the earldom of Arundell, and had for his arms the lyon given him: nor was it long after that the queen of England accepted him for her husband, whose name was Adeliza, widow to King Henry I., and daughter to Godfrey, duke of Lorraine, which Adeliza had the castle of Arundell and the county in dowry from that king.”

“Absurd as this legend seems, we find it gravely repeated by several ancient historians; and the lion without a tongue appears among the armorial bearings of the Arundel family. It is of more importance to observe, that from this time the right to the chief butlery began to be connected with the earldom of Arundel, and to be gradually dissevered from the manors in Norfolk.

“Hugh, the last of the Albini family, at the coronation of Eleanor, queen of Henry III., exercised the right of performing the office of butler by deputy. He was himself incapacitated, for he lay under sentence of excommunication, pronounced upon him by the archbishop of Canterbury. The cause of this excommunication is singularly characteristic of the age. The archbishop of Canterbury claimed the right of hunting in any forest of England at his pleasure, and went to enjoy the sports of the chase in one of Hugh's forests in the county of Sussex. De Albini turned the archbishop back with contumely, and seized his dogs for the trespass, upon which the prelate pronounced sentence of excommunication.

“On the death of Hugh de Albini, his inheritance was divided between his sisters, and from the second of these the earls of Arundel are descended; they have claimed and enjoyed the office of chief butler since the reign of Edward II., but not without many ineffectual struggles on the part of the lords of the manors, with the tenure of which the office was originally connected.

“The fees claimed by the chief butler are the best gold cup and cover, with all the vessels and wine remaining below the bar on the day of coronation. The entire claim was disallowed at the coronation of Henry IV., but since that time the gold cup and cover have been received by the dukes of Norfolk, who hold the earldom of Arundel. In the frontispiece we have given a copy of an ancient painting, representing the king, attended by the chief butler and chief carver.”—*Ibid.* p. 54—56.

We make the following curious extracts relating to the crown and robes of state from Mr. Planché's book.

"The state crown of Charles I., found in the upper jewel-house of the Tower, was valued as follows :—

	£.
Eight-and-twenty diamonds, at £6 each . . .	168
Sapphires and rubies . . . . .	380
Two emeralds . . . . .	5
Two hundred and thirty-two pearls, at 15s. each .	174
One-and-twenty rubies . . . . .	16
Seven pounds and seven ounces of gold, valued at £40	
per pound, with six ounces abated for stones .	280
	<hr/>
	1023"

—*Regal Records*, p. 79.

Under the head of "*The Royal Robes*," Mr. Planché furnishes the following very curious statement.

"In an iron chest in Westminster Abbey, the Parliament Commissioners found :—

	£.	s.	d.
' One crimson taffety robe, very old, valued at .	0	10	0
One robe, laced with gold lace, valued at .	0	10	0
One liver cull <sup>d</sup> (coloured) silk robe, very old, and worth nothing.			
One robe of crimson taffety sarcenett, valued at	0	5	0
One pair of buskins, cloth of silver, and silver stockings, very old, valued at . . .	0	2	6
One pair of shoes of cloth of gould, at . . .	0	1	0
One pair of gloves, embroidered with gould, at	0	1	0

"The whole wardrobe of the sainted monarch estimated at the sum of thirty shillings and sixpence!

"On the 3rd of June 1643, Henry Marten, afterwards the notorious regicide, had forced open the chest, and taken out the crown, sceptres, robes, &c. of Edward the Confessor, and invested the puritan poet and satirist George Withers, who, says Wood (in his *Ath. Oxon.* vol. iii.), 'being crowned and royally arrayed, did march about the room with a stately garb, and afterwards with a thousand apish and ridiculous actions, exposed those sacred ornaments to contempt and laughter.' They were a second time dragged out by some soldiers of Westbourne's company in July the same year, and finally sold or destroyed in 1649 as before mentioned."—*Ibid.* p. 89.

His Majesty Edward the Confessor would seem to have been as fond of fine clothes as a hero of any modern fashionable novelist. The shoes of "cloth of gould," the silver stockings and gould embroidered gloves form a combination

which is more than a match for the most superfine man produced by the genius of a Bulwer or a D'Israeli. The record does not inform us of the composition of his most sacred Majesty's small clothes; but no doubt, if he had any at all, they were of a piece with the rest, and fully finer than the finest pair ever worn by Mr. Vivian Grey, the young duke, or Mr. Henry Pelham, Gentleman. The following letter, said to have been written by James I. to John Erskine, the thirty-fifth earl of Mar, and dated 8th May, 1607, shows that that sage monarch was aware of the importance of fine clothes upon great occasions.

"DEAR JOCK,—As I'm gaing to gi'e an audience this morning to the French Ambassador, I desire you to be sae gude as to send me a pair of your best silken-hose, with the goud clocks at them.

"Your affectionate Cusine,  
"JAMES R."

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#### ARTICLE VIII.

*A Bill to provide for the Access of Parents, living apart from each other, to their Children of tender Age.* Prepared and brought in by MR. SERJEANT TALFOURD and MR. LEADER. Ordered, by the House of Commons, to be printed, December 21, 1837.

*Speeches of Mr. Serjeant Talfourd in the House of Commons, on the 14th of December 1837, on the 14th of February, and on the 9th of May 1838,—as reported in the Times. The Separation of Mother and Child by the Law of "Custody of Infants" considered.* London, 1838.

THE Bill to which we refer was brought into the House of Commons in December last, ordered to be printed on the 21st of that month, and to be read a second time on the 14th of February. It is as follows:

"Whereas it is expedient to make provision for the access of parents living apart from each other to their children of tender age; be it there-



fore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That when any child, being under the age of *twelve* years, whose parents shall be living apart from each other, shall be in the custody of one of such parents, or of any person by his or her authority, and complaint shall be made by the other of such parents of the want of proper access to such child, it shall be lawful for the Lord High Chancellor, the Master of the Rolls, the Vice-Chancellor, or any Judge of either of the Courts of Law at Westminster, to hear such complaint, and either to dismiss the same, or to make order for the access of the complainant to such child, at such times, and in such manner as he shall deem right, until such child shall attain the age of *twelve* years; and that it shall be lawful for the Lord High Chancellor, the Master of the Rolls, the Vice-Chancellor, or any Judge of either of the Courts of Law at Westminster to vary or discharge any such order.

"And be it enacted, That on all complaints made under this act, it shall be lawful for the Lord High Chancellor, the Master of the Rolls, the Vice-Chancellor, or the Judge before whom such complaint shall be preferred, to receive affidavits sworn before any Judge or Commissioner authorized to administer an oath; and that any person who shall depose falsely and corruptly in any affidavit so sworn, shall be deemed guilty of *perjury*, and incur the penalties thereof.

"And be it enacted, That all orders which shall be made by virtue of this act by the Lord High Chancellor, the Master of the Rolls, or the Vice-Chancellor, shall be enforced by process of contempt of the high court of Chancery; and that all orders so made by virtue of this act by a Judge of any Court of Law, may be made an order of such Court, and enforced by like process of such Court.

"And be it enacted, That this act may be altered, amended or repealed by any act to be passed in this present session of Parliament."

During the passage of this Bill through the House of Commons, two other clauses were introduced after the third. They are as follows:

"IV. Provided always, and be it enacted, That nothing herein contained shall authorize the making of an order for access on behalf of a mother against whom adultery shall have been established by a sentence of an Ecclesiastical Court, or by the verdict of a jury in an action by her husband for criminal conversation in which he shall have obtained final judgement.

"V. Provided also, and be it enacted, That this act shall not be deemed to declare or vary the law respecting the right to the custody of children, except as expressly herein enacted."

With these two clauses inserted, in this form the Bill was sent up to the Lords, and thus it stands at present.

The above Bill, at first sight, would seem to be as simple and innocent as it is brief. When examined, however, a little deeper, it will be found to involve questions of the most complex nature, full both of difficulty and of danger, and which, therefore, it behoves every member of the legislature well to consider, and to see removed, before he gives his consent to their being made, by the enactment of this Bill, the law of the land.

What these difficulties and dangers are we shall shortly proceed to expose. Before, however, we come to the Bill itself, we request the reader's attention to its deceptive title. A person unacquainted with the existing law on the subject, would suppose from the words, "A Bill to provide for the Access of *Parents*, living apart *from each other*, to their Children of tender Age," that *both* parents required some new provision by law to secure to them that right! This is the direct and inevitable inference from the title of the Bill. But it is all a mere deception! for *the father* requires no new provision by law to secure to him the right of access to his children, be they of years tender or robust. By the law, as it stands at present, and so has stood for the last thousand years and more,—ever since there has been law at all in England,—he already possesses this right in its fullest extent, and can exert it at any or every moment, so far as his wife is concerned, from the first hour of his children's birth to the last of their legal infancy. And this right, moreover, no one can disturb nor force from him, nor in any way deprive him of, except on account of his own conduct, or by his own consent. Except in the case of permanent insanity, or of some deliberate and criminal act of his own, no father can forfeit or lose his paternal right.

If, indeed, there be any man who is capable of covenanting to resign this sacred right, (as is sometimes, though we trust rarely, done in deeds of separation,) for the sake of a sum of money, or any such vile consideration, we hesitate not to say that that man,—we will not desecrate the godlike name of father by giving it to such a wretch,—is so utterly heartless, and devoid of all true fatherly feeling, principle and honour, that he does *morally* forfeit his right as a parent, and is not fit to have access to his own or

any children. To covenant to part with his children! the offspring of the very life and quintessence of his own body and soul!! for pelf!!! What is it else but selling them, together with all his own highest rights and duties,—the possession and performance of which alone constituted his noblest honour as a man and a moral being? Every true and honourable father would undergo anything,—would starve and die rather than do such an infamous deed, as to sign away his paternal right of access to his children, even if he could do so legally,—even if such a contract were by law permitted, or obligatory, which it is not. The law does not recognise a man's right to violate his most sacred duties, least of all to bind himself by a contract to do so. Such a contract is inherently, and in the worst degree immoral, and therefore *ab initio* illegal, and in the eye of the law null and void. Even, therefore, if a man had signed such a contract, it would not be binding; and he could still demand and have access to his children whenever he chose\*.

The father then requires no new provision by law to secure his right of access, nor can this Bill provide for it. The title of the Bill therefore is a gross misnomer of deception. This we think the public, who are deeply interested in such a Bill, have a right to complain of. If anything in the world ought to express, as clearly and distinctly as possible, its purpose and object, it is the title of a bill under the consideration of Parliament. For how else can the people know, as they have a right to know, what is the nature of the laws proposed by their representatives,—by which laws, nevertheless, when once enacted, they become bound, and must obey them, be they good or bad ones, at their own peril? Most men have neither the time nor the means to investigate all, or the hundredth part of the public bills introduced into Parliament. They can only judge of their object by their title. Forewarned by that, if they see reason to believe that the Bill will be injurious to their interests, they make farther inquiry into its enactments, and send up a petition against them. If then you prefix a false or delusive title to a bill, as far as in you lies you help to deceive the people, and to defraud them of

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\* A case of this kind is reported in Chitty's Practice of the Law.



their right of petition,—that constitutional and important right, which has been granted them for the express purpose of preventing themselves from being oppressed blindfold by pernicious and tyrannical laws! The deceptive entitling then of bills cannot be too strongly reprobated. It is one of the ways,—indeed, the first preliminary step, in that contraband trade occasionally carried on in the two Houses of the legislature,—by which laws are smuggled into the statute-book; and when once there, if they only suit the personal interests of the majority of the legislators, the people may petition, as we all know, long enough before they can get them repealed.

With respect to the Bill we are about to analyse, had the title of it expressed its real object and effect, it would have run thus: “A Bill to provide for the access of *Wives, living apart from their Husbands*, to their Children of tender age.” Why was it not so entitled? Was it because the other title was less likely to attract public attention and investigation, and foreseen opposition, such as the Bill was likely to meet with, *in limine*, had its real object been generally known? To steal a march and outdo one’s enemies may be good and honest policy in war, against a hostile army preparing for your destruction; but to do so against one’s own countrymen in time of peace, while professing to make laws for their benefit, and bound therefore to act towards them with the most open sincerity,—such conduct is most dishonest and contemptible; though how little this truth is felt by party-politicians, the record of their practices, during the last few sessions merely, would be quite enough to make manifest! From that other title the natural inference is, that the Bill, if passed into law, would act equally, and be equally equitable in its action upon both the parents! The Bill professes, on its face and front, a plausible look of equity; whereas, in reality, in its body it contains, as we shall soon see, none. As far as it provides relief at all, it is all on one side; and the right it gives to one party, is given only by taking it away from the other.

Now we think that it would have been more honest and manly to have let this been seen at once, by giving the real title to the Bill,—the title expressive of its real ob-

ject. If you propose to deprive a body of men,—in this case no less a body than all the men married, or to be married, in the United Kingdom,—of a long-established right, at all events let them have all due warning of your intention beforehand; and whilst you are bringing in a Bill to disfranchise them by law of their right, do not, at any rate, at the same time delude the unfortunate subjects of your legislation into a still blinder security, by assuring them, in a speech of plausible special pleading,—that you are about to confer upon them a great blessing and favour! We think also, that in so far as married or marriageable women can be affected by this measure, it would have been a juster, more becoming, more manly, and not less successful policy, for the defence of their interests, to have entitled the Bill rightly. To every man of honour there can be nothing nearer or dearer than the preservation of the just rights and privileges of women, especially of wives and mothers,—the two most honourable estates of womanhood. If they are deprived of any right or advantage which they ought really to have, which they have ever had, which has been unjustly taken from them, or which the law can justly give to them,—why not boldly demand that it should be restored or given? Instead of proposing miserable “palliatives” of which you yourself are “ashamed\*,” why not at once, by every means in your power,—the true and strong entitling of the Bill being one,—call the attention of the country to the existence of the infamous injustice and “tyranny which one sex has exerted over the helplessness of the other†,” and demand its abolition? What more legitimate demand, or one that could so warmly excite the sympathy of an honourable nation, as a demand for the legal protection of virtuous and oppressed women? What bill so much requires a nation’s most earnest vigilance and consideration, as that which proposes to change one of the most ancient and fundamental laws of society? On every account then, public attention ought not to be lulled on such an occasion, but aroused and appealed to. If the cause you advocate be a just one, what need of special pleading, or a sneaking-in introduction under a sham title?

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\* From the speech of Sergeant Talfourd in the House of Commons on the 14th of December.

† Ibid.

Having now done with this delusive title, which would make believe that the Bill is intended to effect something which it is not, we shall henceforth consider the Bill itself, and what it really is intended to effect. It is neither more nor less than a Bill to give to a certain class of women a new legal right, which they have not at present, nor have ever had before; and it will be our duty to investigate whether this class of women ought to have this right given to them, and what will be the effect of giving it.

We wish it also to be borne in mind by the reader, that although the well-being of every man, woman and child in the country would be affected, *indirectly*, by this Bill, proposing, as it does, to change one of the fundamental laws of society, and all of them, whose wives, husbands, parents or relations, are living apart, *directly*,—still, as the poorer classes are in general unable to separate, even if they would, and (such is the blessed consistency of our present marriage-law) only the wealthy can afford to purchase the luxurious right of divorce, or mutual separation, it will be the aristocracy, principally, whom this Bill will first affect. And to this we request the more attention, because as they, by their wealth, rank, power and conspicuous station, have an incalculably greater influence over the morals of a society, whether for good or for evil, than any other class in it; any law that directly affects their morality will affect so much the more rapidly that of the whole country.

How then will this Bill affect them and the country? Will its effect be a good one? Will its operation be wholesome and safe? No. We say, on the contrary, that if passed into law, it would be in the highest degree pernicious and dangerous; and for the reasons following:

- I. Because it is in its tendency directly immoral.
- II. Antichristian.
- III. Unconstitutional towards the whole nation.
- IV. Unjust to private individuals.
- V. Impracticable in its operation.
- VI. Ineffectual to accomplish its proposed object.
- VII. Full of the grossest inconsistency and absurdity, both as to principle and practice, from beginning to end.

I. It is directly immoral:



1. Because it tends directly to favour separations between husband and wife.

It has been remarked, by a profound writer on the spirit of laws,—and a more important political truth was never uttered,—that the virtue, *virtus*, the manly power and moral integrity of a nation, upon which its well-being and honour depend, is best in force where conjugal faith is regarded and held in esteem; and that the surest sign of social corruption, the most infallible prognostic of latent weakness and approaching decline, is to be seen there, where the marriage-tie is despised, ridiculed, and commonly violated.\* This truth he proves by an appeal *to fact*, from a survey of the histories of all civilized nations, whose history has come down to us; all of whom, however they may have differed in other respects, in race, language, religion, forms of polity, and all the other partial facts and events attending the rise and progress of their national existence, all agree in this; that at the period of their decline conjugal faith was very little regarded, the laws relating to the union of the sexes had been unduly relaxed, and separations and divorces had become common phænomena,—the order of the day! But this truth he might have proved quite as clearly and certainly by an appeal *to reason*; for it is a direct logical consequence from incontrovertible premises.

No one can deny that the well-being, the health and strength, and happiness and honour of society depend, and must depend, upon the mutual faith of its members, and upon that alone. Now of all faith, that due by a wife to her husband is the most intimate and most important. It is the first condition and pledge of faith in the life of the family; without it the family could not exist; a man could not know which were his own children. But, as the family is the first element and very foundation of the state,—the state in miniature,—and the state itself nothing more than a system of co-ordinated families, it is plain, that if the chief

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\* "Il y a tant d'imperfections," Montesquieu writes, "attachées à la perte de la vertu dans les femmes, *toute leur ame en est si fort dégradée*, ce point principal ôté en fait tomber tant d'autres, que l'on peut regarder, dans un état populaire, l'incontinence publique *comme le dernier des malheurs, et la certitude d'un changement dans la constitution.*"

bond of the faith of families be weakened, the faith of society at large is weakened in the same degree. The state thus demoralized in the very elements of its social existence loses all its moral principle, and with that its national power. For what is the source of all power, national or individual, but moral principle, which is but another name for faith? What wonder then, when that is gone, that nothing remains but weakness! What wonder, when conjugal faith, the vital principle of the union and happiness of families, has become tainted and vitiated, that we should behold, as we have done, the decline and downfall of the mightiest nations! We affirm then that it is the highest interest and duty of a state to uphold and guard the purity and honour of the marriage union; that it behoves every government, as a matter of *state-policy*, to reprobate, repress and prevent, by every means in its power, whatever tends to destroy that sacred institution.

Now separation does, *ipso facto*, practically, to all intents and purposes, destroy the marriage. It is a direct breach of conjugal faith—of that part of the marriage vow by which the parties covenant to live together; it is a complete nullification of the prime condition as well as of the final objects of marriage; and it is therefore not only in itself perniciously immoral, but commonly brings after it a train of still more immoral and lamentable consequences. Consequently it is, and so it has been ever held, by all the best and wisest of philosophers and legislators, the direct interest of the state to prevent, as far as possible, separation.\*

Now it is notorious that one of the strongest hindrances in all cases, in many the very strongest, in some the only one, to prevent wives from lightly separating from their husbands,

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\* Indeed in the former and better ages of common sense, no such monstrous immorality was ever by law even admitted, much less commanded, as a *permanent* separation, where there is no hope or possibility of reconciliation, and where the unoffending party is yet prevented by law from again marrying, and thus deprived of most of his highest and dearest rights as a human being, solely because of the vicious malignity of the offender! At present, by the law of marriage in England, there is no effectual remedy—no remedy at all—in the case of a malignant desertion, although this desertion be in itself, *ipso facto*, as long as it lasts, and ninety-nine times out of a hundred it lasts till the death of the malignant or of his and the law's victim, a complete violation of the marriage; and although it might be clearly shown that the passages of Scripture, upon which these stringent bonds of the Canon law that still bind us are framed, have been grossly misinterpreted and abused by the Popish Canonists.

is the knowledge that they will thereby lose their maternal rights.

This at all times has been, and must have been, a safeguard to preserve the institution of marriage, most important and indispensable; but it is now more so than ever! For formerly other preventions against separation and the practical dissolution of marriage existed, which exist no longer.

The old common law of England, which, in entire accordance with the principles of Christianity, made a man's wife and children completely dependent upon him,—placed them, both as to person and property, completely under his control,—and made him, her husband and their father, under the severest penalties, responsible for their good conduct,—did thus in fact make an *effectual* prevention against separations; for it thus made it the direct *material*, as well as moral, interest of both parties not to separate. The wife, except in those very rare cases where her rich relatives and friends would undertake to maintain her, could not, unless where her husband's misconduct would in the eye of the law justify her for doing so, separate herself from him. Nor could the husband separate himself from her, except indeed at the expense of supporting two establishments, and the serious annoyance and injury he was liable to by being still responsible, at any or every moment, for the consequences of his wife's misconduct, although he himself could derive no personal advantage from her good conduct, but remained deprived of the assistance and domestic comfort of her society, as well as of the hope of legitimate sons and heirs in case that he had none, or that those he had should die.

But now, through the changes that have been since made in the law, (whether on account of the greater hazards and more sudden changes as to property, which the more extended development of commerce has brought along with it, or whether from any other cause, it is not necessary to inquire here,) the wife has in fact, in very many cases, become, but for this one restraint over her, entirely independent of her husband. The husband, though still responsible for his wife's conduct, though still liable to answer for debts contracted or torts done by her, (for which she herself cannot be imprisoned or touched,) though the safety of his domestic



peace, property, personal honour, and happiness may be destroyed by her misconduct, especially when carried out to the extreme length of separation, has not the smallest available power by law to prevent it! At present, if the wife be only made by her marriage settlement in any sufficient degree independent of her husband,—as amongst the higher and more influential classes of society is generally the case,—she can at any moment, with or without any justifiable cause, separate herself from him; and he has not the *smallest legal* power to prevent it. The law, indeed, unless she be openly convicted of adultery in a court of justice, has bound the husband to her indissolubly *for life*; but the sole remedy which it has given to him to compel her to *live with* him, and perform her part of the marriage contract, is an action in the ecclesiastical court “for the restitution of conjugal rights,” the penal sanction of which is the imprisonment of the party offending, i. e. N.B. when caught! But this action is not only in itself so despicable and odious to the moral feelings of every honourable man, but induces also, as its necessary consequence, such long, uncertain, expensive, and oftentimes scandalous litigation, that it is very rarely resorted to. In 99 cases out of 100, the remedy would be worse than the disease! The result is, that at best this action, as a remedy, can hardly ever be resorted to.

But the delinquent wife may make it at any moment she pleases utterly useless and *impossible* to resort to it. For if only, being now by the law permitted to be independent as to property of her husband, she chooses to go abroad, to Paris, or Naples, or any other of those agreeable, convenient English colonies on the continent, beyond the jurisdiction of the English law, the process of the ecclesiastical court cannot even be served on her; and she may laugh in her sleeve at husbands and lawyers, and apparitors and divines, and all who profess still to maintain, as a high point of Christian morality, the sacredness of the marriage union, the performance of marriage duties, (the *sine quâ non* condition for which is that the parties shall live in general together,) and the principle that a wife shall be held dependent on her husband, and the husband responsible for her conduct; and who have yet made the wife independent in property, and given her the power and means to go *ad libitum* to live, without her hus-

band, when and where she pleases; nay, even in places, e. g. that very same Paris or Naples, where marriage is so commonly violated, that the violation of it is looked upon rather as a piquant pastime than as a heinous crime, and where an English woman may indulge with impunity any fancy or passion that comes into her head.

Is this an exaggeration? Would to heaven it were! Do English women separated from their husbands and living abroad never indulge with impunity their vicious passions and fancies? Would to heaven they did not! But those who have been at Paris or Naples or Rome or Vienna could unhappily tell the English public a very different story. There are many English women, ay, and some who were once English peeresses, now living abroad, whose conduct is a *scandalum gentibus*, an European scandal—a scandal even in those countries where people are not easily scandalized; and yet these separated wives, such is the sovereign might of wealth and fashion, still receive and are received in society. And are there not, to come a little nearer home,—are there no separated wives living in England, whose conduct has been and is at this time a public scandal, (though perhaps they may not, as those others, have been caught, *flagrante delicto*, in the very fact of adultery or convicted of that, but are scandalously immoral in another way,) and who are yet received and countenanced?

That in this state of the marriage law and of public opinion separations should not be uncommon, is no wonder! But, if the law, and with the law the integrity of public opinion, be still more relaxed and weakened, that separations will become still more common is certain.

If this last and strongest and only effectual prevention still existing against separation, (viz. the certain assurance in the mind of every wife, that, if she will desert her husband's house, the sphere of her duties, and, be it ever remembered, the *only proper* home of his children, she does *ipso facto* lose the right of access to them,)—if this prevention be once taken away, it is as certain as anything in the whole world of direct cause and effect, that separations will increase! You cannot diminish the checks to licentiousness without increasing the chances of their occurrence! *You cannot take away the least*

*of the safeguards of domestic virtue without an injury to public morality.* What madness then and atrocious wickedness it would be to take away, not merely the least, not merely one out of a number, but the greatest, the last, the only remaining bar against the outbreak of ever-tempting lusts, and then hope that they will afterwards restrain themselves on account of your impotent good wishes, and unheeded sermons, and vain regrets! As well might you expect, when you have unbarred the cages of so many wild beasts, that they will remain quietly in them at the wish of their keepers! For never was there a truer or more striking saying than that of the old Christian philosopher:—Human passions and lusts are, as it were, so many wild beasts, and every one carries about in him a den of them. Therefore it is the duty of the legislator to govern and temper them by just laws; restraining the undue outbreak of them by certain painful and shameful punishments, and encouraging the useful and virtuous exercise of them, by certain pleasant and honourable rewards: for when rightly tempered, to use the words of our divine Milton, when “*rightly tempered*, the passions within us are the very ingredients of virtue.” Whereas if you remove—as Mr. Serjeant Talfourd, with his silly intemperate sentimentality would wish to persuade our legislators to remove—the bars and obstacles to their excess, you make them incontinently and inevitably the direct instruments, the very ingredients of vice. From the most useful and mansuete of animals, you will make them the most useless and injurious. Like the horses let loose by the Spaniards in the wild delicious prairies of the new world, they will run headlong into every species of riot and untamable licence.—“*Date frenos*,” said the wisest, noblest, and most virtuous of the Romans, M. P. Cato, when pleading as consul before the Roman Senate on this very subject of the rights of the sexes, against a law (although not half so iniquitous and immoral as this one,) which the Tribunes of the People, instigated by the influence of certain loose ladies of that day, and by the hope of gaining popularity for themselves, had brought in—as others of the same tendency and by the same means were brought in *afterwards*!—under the specious pretext of *redressing the grievances of women*; but which in fact were laws tending to relax the marriage tie; and



which thus occasioned gradually the thorough demoralization, and ultimately the downfall of the Roman Empire:—"Date frenos impotenti naturæ, et indomito animali, et sperate ipsas modum licentiæ facturæ, nisi vos feceritis!"

For observe, that at present this provision of the law acts as a hindrance against separations in many ways. First, the natural feelings of every mother, not utterly devoid of all natural affection, tend to prevent her from deserting her children, and consequently tend to prevent her from lightly separating herself from her husband, in whose care and custody, and under the safeguard of whose roof, God and the law have rightly placed them.

When all else has failed to dissuade a woman in some moment of ungovernable passion from deserting the sphere of her duties; when kindness, and advice, and entreaties, and warnings, from her husband and her own family, have all been used in vain; when all else has failed, the natural feelings of a mother will sometimes powerfully affect her. How is it possible she can consent to lose her dear little ones! There are many women, as every one knows, who, demoralized by immoral books, bad example, or the corrupting influence and advice of frail and successful friends, have already but very lax notions of their conjugal and maternal duties, and would not scruple to go to still greater lengths, even to the very extremes of vice, but for the fear of sacrificing for ever their children. Knowing that their natural home is their father's house, if the mother still wishes to have their society, she must stay there; and if so, whilst there, it is manifestly her interest as well as her duty to do everything to promote peace and harmony. This fact alone prevents many useless quarrels and malignant provocations, many rash or deliberately immoral separations, elopements and adulteries. We repeat it, when all other moral influence has failed, and she is on the very point of deserting her husband's house, and of thus openly, *unconcealably* and *undeniably* violating all her conjugal duties, the innocent look of a little child, whom, if she does the deed of infamy she is about to do, she knows she is looking at *for the last time*,—the thought of this will yet oftentimes recall her to her duty, and preserve her from the abyss of guilt and misery she was about to plunge into.

The holy instincts of nature then, combined with the law which has placed her children under the control of their father, tend to retain a wife in her natural and proper sphere of duty, the home of her husband, and to make her, whilst there, cheerfully perform her conjugal obligations, and preserve her faith inviolate.

But if now this immoral Bill should be passed,—which God forbid!—and women be able, though separated and choosing to live apart from their husbands, still to have the right of access to their children, what should prevent them, if they are independent in other respects, from separating, upon the first whim of dislike against their husbands, or the first inclination of passion for any other man?

But again, this same consideration, viz. that if she will separate, she must sacrifice her children, influences a wife to her own benefit on other grounds. It makes her perceive, and constantly reminds her of that most important practical truth, which by many women would else be forgotten or denied; viz. that there is the most intimate connection between the performance of conjugal and maternal duties, and that no woman can really well perform the latter without performing the former also; no woman can be a good mother to her husband's children who is a bad wife to her husband himself; and in short, that if she will deliberately and completely violate all her conjugal obligations, as she does by separation, she cannot do that without at the same time deliberately and completely violating all her maternal. This last fact, (being indeed what Lord Bacon calls an ultimate instance,—one of “the instances of alliance or union,”\*—the best and most decisive of all the

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\* The whole passage of that great philosopher, who had ever an eye to the laws and relations of both worlds, though he was there writing ostensibly only of the processes of the world natural, is so singularly illustrative of the mental process that in these cases takes place in the moral one, that for the satisfaction and gratification of our readers we here subjoin it.

“Inter prærogativas instantiarum ponemus loco decimo tertio Instantias Fœderis sive Unionis. Eæ sunt quæ confundunt et adunant naturas, quæ existimantur esse heterogeneæ; et pro talibus notantur et signantur per divisiones receptas,” (for instance, such commonly received divisions as writers on moral philosophy, for convenience sake, have made between the duties of wife and mother: and thus the vulgar mass of their readers, who are unable to conceive any division but what is a separation, are deluded into the gross belief that such duties are separate, and separable, and heterogeneous). “At Instantiæ Fœderis ostendunt operationes et effectus, quæ deputantur alicui ex illis heterogeneis ut propria, competere etiam aliis ex heterogeneis, ut convincatur ista heterogenea, (quæ in opinione est,) vera

tests and warnings of truth,) shows the truth to her in such a strong and piercing light, that she cannot evade it, as she was willing to do in the intermediate cases where it was less apparent. Many a woman, though she passes her life in a round of the most frivolous and heartless dissipation,—a fashionable gad-about abroad, and a termagant gad-fly at home,—still fancies, however bad a wife she may be, that she is a very good mother. To be placed under control, and required by religion and law to obey, is detestable\*; but to have the power of commanding without responsibility is agreeable. Her husband therefore is odious to her; but she feels some maternal affection and pride for her children. Beautiful and nicely-dressed children are interesting things, which it is extremely *comme il faut* for her to have about her! Besides, they give her very little trouble. Placed under the charge of some superior well-paid nurse or governess,—persons of excellent morals,—the mother visits them, or has them brought into her, as a source of amusement and *délassement*, when she has nothing better to do. Perhaps during the whole twenty-four hours she sees them for one or two. And because she sees them,—what she does for them may be literally next to nothing,—but because she is in the same house with them, and sees them about her when she wants them, and hears them praised, (thanks to the good nurture of the governess or *bonne*), she believes, herself, that she performs admirably all her maternal duties, and her visitors believe so too! But when she is about actually to leave her husband, and children, even *her* eyes become opened; and she sees that, if she does that, she will not be performing even *the appearance* of her duties! By her own deliberate removal she will have made it *impossible* for her to perform even the least attention of duty either to her husband or to her children. Then the intimate and *inseparable* connexion of the duties of a Mother and a Wife rushes upon her mind. She sees that if she violates the one *completely*, she is also *completely* violating the other; and the sight of this

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non esse, aut essentialis; *sed nil aliud esse quam modificatio naturæ communis.*—Optimi itaque sunt usus ad elevandum et evahendum *intellectum*, et ad tollendum *larvas*,” (such as those with which immoral women mask their consciences from their own view in these affairs,) “et *simulacra* rerum, prout occurrunt et prodeunt personatæ in substantiis concretis.”—*Nov. Orig.* lib. ii. c. 35.

\* See the Postscript.



not only restrains her from a rash act of separation, but probably brings her back to a truer and better sense even of her duties towards her husband.

This placing the children then by law under the sole custody of the father is a *moral* power; it has a direct moral influence to prevent separation, and to engage wives and mothers to perform their duty; will you now destroy it?

Again, the same consideration restrains a wife from unjustifiable separation, or other acts of immorality, on account of her own personal interest and reputation. For although the desertion by a wife merely of her husband, where she is well off for property and friends, may not in any degree materially injure her, yet the desertion of her children always does. If a wife who has no children and an independent settlement, chooses to separate herself from her husband, she can do so at any moment with impunity. Suppose she has no just cause for separation—none of the ordinary complaints against her husband, as of suspected incontinence, &c., by which women who separate are wont to justify themselves, she has only to assume a high tone, refuse to condescend to enter into any such petty details, merely employ the arguments that Serjeant Talfourd, the framer of this Bill, has so aptly prepared for her or any other vicious wife who likes to use them, and say that “It was impossible any longer to live with such a man!” “that she was secretly ill-treated!” and “under *moral torture*!” This accusation may be the truth, or very likely it may be an atrocious falsehood; but, be it true or false, no one can disprove it; no one can tell, until details are stated, what passes between husband and wife. And therefore as society admits “*moral torture*,” in the case where it really exists, to be a valid excuse for separation, and cannot discriminate between that and other cases where also it is pleaded, it is obliged to admit it in all! The consequence is, that a woman who chooses to separate merely from her husband has always an excuse for it; and if only she has had the cunning prudence to keep up for herself the outside show of moral decency and decorum, and to cast out against him, at the right time and place, as such women know so well how to do, the odious accusation of having inflicted upon her “*moral torture*,” she is pitied rather

than blamed for separating! and society receives her as readily as ever! We have our eye at this moment upon innumerable instances, as well in this country as abroad, where wives who have chosen to separate have been and are still received in the world just as they were before; as if nothing had happened! as if they were in the daily performance of all their conjugal duties as faithfully as the most virtuous of their sex!

But in the case of married women *who have children*, and still separate, there no doubt is a great difference. Undoubtedly, *at present*, and this mainly because *at present* the law affixes to a mother's desertion of her little ones the merited punishment and disgrace of non-access, these are looked on by society with a different eye,—just and well that it is so!—and except some few, who either on account of their husbands' *notorious* bad treatment of them, or by their own distinguished talents, wealth, personal attractions or political connexions, still manage to keep up an equivocal position in society, the most of them are branded in public opinion, as mothers, who can lightly desert their offspring, ought to be. The excuses, true or false, of secret cruel treatment and “moral torture,” by which they could justify to the world their separation from their husbands, cannot avail them here. For here the wrong, the desertion of sacred duty, is all on one side, without even the shadow of an excuse, from the misconduct of the other, to justify or palliate it. The innocent little children of tender age cannot have “morally tortured,” cannot have acted cruelly to their deserting mother! This is palpable. The desertion of little children by their mother is such a godless and inhuman crime, that no one, however in other respects abandoned, however lax his views may be as to the breach or omission of a wife's *conjugal* duty, will dare *at present* to justify this! Except in the case where she was actually compelled to leave them, where she has the fullest proof that she was justified in doing so,—and hardly anything can justify a mother for such conduct! the fact of a mother's deserting her little ones is *infamous*! and carries more or less of infamy with it to the woman who has done the deed\*.

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\* This is the cause why even adulteresses, in order to palliate their crime, profess in general to have still an intense affection for their offspring. Hence also more

And this is seen and felt, and a most powerful hindrance it is to prevent separations.

But if now you take away this hindrance, what else will there be to prevent them?

If now this important provision of the law be undermined; if by the decision of the British legislature, of the presumed conservators of the public morality, it shall have been made lawful and easy for a wife to desert her husband and children at any moment, and yet after this desertion of all her sacred duties, a desertion so *prima facie* and palpably wrong and infamous, to have a *prima facie* right of access to them,—to have a right to go and demand of one of the honoured Judges of the land his order that she, thus publicly self-stigmatized by her own public desertion, and not publicly cleared, (for all this, observe, respecting the Judge's order, and the *grounds* of it, is to be done in private, in the Judge's chamber,) shall have the same right as is granted by the law of God and man to the most virtuous and blameless of wives and mothers, as their highest possible reward! such a confusion in public opinion as to the first and most sacred relations, rights and duties of life, such a demoralization of public principle will take place, as was never before seen in this country.

By the law of God, the law of pure justice and reason, right and duty are correlative, co-existent and *inseparable*; and this inseparable connexion between them God himself has made to be the very *foundation* and support of all morality. The surest way then to destroy all morality is to separate them; the surest way to demoralize any moral being, individual or national, and to confound all his ideas of right and wrong, is to allow him by law to retain and enjoy rights

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especially it is that separated wives—who have not been guilty or at least not convicted of adultery,—but whose conduct, nevertheless, has been so outrageously bad as to render the separation unavoidable, are the first after that separation to profess the *intensest* affection for theirs; and to complain bitterly of the *wrong* they suffer in having their children *torn*, that is the sentimental phrase, torn away from them. Thus they endeavour to cast into the shade the enormity of their vice by setting up in the balance against it, the enormity of their maternal griefs!—as if a woman who really loved her children would ever separate from them, unless actually forced to do so. Nevertheless these delinquents, in order to interest the public and get people to sympathise with them, then raise an outcry against the harshness of the law that deprives them of access to their husbands' children, when all the while it is they themselves who have sacrificed them, and by their misconduct deprived themselves of them.



without the performance of their corresponding duties. This enjoyment of rights without the performance of duty is, in fact, *en dernière analyse*, immorality, the very essence of immorality itself; and never before in this country has there been so gross an attempt made to legitimate by Act of Parliament this godless unprinciple. Never, until the concoction of this immoral Custody of Infants' Bill, has it been attempted to establish by law the maxim that the mother may desert the sphere of her maternal duties and yet enjoy her maternal rights. If there be any duties which in themselves are most sacred, and which it behoves the legislature to preserve for the preservation of the well-being of the state, they are the domestic duties of wives and mothers; for upon the performance of these duties the good education of the rising generation, the hope of the state depends.

It is hard enough, by all the sanctions that you can affix of reward and punishment, to make people do their duty. For duties, especially domestic ones, cannot be done without *constant* personal care and watchfulness and trouble. The very obligation of a wife to live with her husband and children necessarily imposes upon her, as it does upon him, considerable inconveniences and restrictions as to her own personal gratifications. It is manifest that wives living separated are much more at liberty to follow their own inclinations. Therefore, to counterbalance this, and place the material advantages, on the whole, on the side of virtue and duty, Providence has wisely ordained that the enjoyment of maternal rights and privileges, the first of which is the right of access to their children, should be the highest actual reward for the performance of maternal duties, the first of which (the condition *sine quâ non* of the rest), is the living together *with them*, and consequently with her husband, their father and natural protector. Thus inseparably has God united the duties of a wife and mother.

Is such an important and universal law as this to be now for the first time infringed and excepted to? For if now, subverting the order of Providence, you set up by this Bill the contrary principle, and allow women who are not living with their children still to have access to them, what do you but destroy the *Divine reward* of domestic virtue, and place

on the same level women who do their duty and those who do it not? What God has made to be the reward of virtue, will you now make to be the reward of vice?

It is true, that it is by no means certain that wives who live with their husbands do fulfil all their duties to their children; but it is quite certain that those who are living apart from them do not and cannot *fulfil* any of them. The very objects, to whom their duty is due, are no longer present to receive its performance. These mothers have themselves withdrawn themselves from the sphere of their duties.

Nor can any *partial* access, such as this impracticable Bill proposes to give, remedy that. For be it ever remembered, that the duty of a mother is not a thing partial, to begin or cease at any given day or hour, at the order or opinion of some third indifferent Judge out of the family, when, and where, and how he may please; but a duty of *continuous* care, and watchfulness, and trouble above all trouble, with which it nourishes, and supports, and guides, and defends the tender child at every moment of its existence, by day and night. Such a holy and universal duty as this is not to be replaced—it is a mockery to dream of replacing it—by any chance occasional intercourse such as this trumpery Bill proposes to allow. You might as well infer that a chance meeting, a morning call or appointment, is a performance of the parental duty! The duty of a mother is one great Whole, and it can only be done by a mother who is, or can be, by her directing mind, constantly present with her child! A woman, therefore, by this Bill will not be enabled, as the framers of it would wish to make out, to perform the duty of a mother, but only to enjoy the right of disturbing the eternally-established and indisputable rights of the father!

What else can be the consequence of such an immoral act of legislation but to make wives see that it is no longer worth the trouble of a continuous and careful performance of the anxious and troublesome duties of a mother, when the same privileges, rights, and rewards which their performance alone used formerly to confer, can henceforth be had by virtue of a Judge's order, without any such trouble at all? For henceforth every wife separated from her husband, who can only get a Judge's order, will be whitewashed and justified in the eyes



of society for her separation. For will she not be able to retort triumphantly against all the impugners of her delinquency, "Here is an impartial umpire, one of the learned and upright Judges of the land, who declares by his order of access that I am not at all to blame; that I had a right to leave my husband? What better justification can any one demand or desire?"

And now that, with the exception of *convicted* adulteresses, who are expressly excluded by the 4th clause of the Act, almost every wife separated from her husband will be able through her Attorney and Counsel to obtain an order of access, we shall proceed to show; and we request the reader's particular attention to this important point.

First of all, the Judge, in obedience to the law, of which he is the interpreter, must admit the validity of the principle which this Bill, if passed into law, will for the first time establish, viz., that women living apart from their husbands have yet a *prima facie* right to have access to their children. But if he admits this in one case, how can he reject it in another? How will he be able, seeing that the law has given him no *regula*, no test to decide by, to determine the distinctive limits where and where not this right is to be allowed? For observe, almost every woman who separates will be able to make a strong affidavit herself, and get others to do so too, to this effect: that she was unhappy in living with her husband; that it was no moral fault of hers that they could not live together; that their tempers were incompatible; that secretly, in their more intimate privacy, he inflicted upon her "moral torture" (which no one could disprove), and that thus her health was injured and her happiness destroyed. This any woman who chose to do it might swear with impunity, and get her physician and friends to swear so too. The affidavit of the physician would substantiate the fact of his patient's being continually ill from something more than any mere bodily complaint—from having something on her mind. The affidavits of the friends would substantiate the nature of that something on the mind, viz., by stating the complaints the wife had made to them of the unhappy life she led with her husband through his neglect or secret cruelty and "moral torture," although for *delicacy's* sake she had refrained from



speaking of it openly to any one else, or indeed from entering into *the details* with them.

Thus, there being no proof of any *crime* against the wife, (for, if this Bill pass, separation will no longer be held as it is, and ought to be held,—wherever it is not completely justifiable, nay, and legally justified by a decision of the proper court, —a violation of the sacred marriage contract, *i.e.* a most criminal act), by the law of England the Judge is bound to consider her innocent; and with such affidavits in her favour he must believe and feel that she is at all events in positive suffering both of body and mind, and therefore much to be pitied. The principle then being once admitted, that women living apart from their husbands have got a *prima facie* right to have access to their children, it would be impossible for the Judge to refuse an order for access in such a case as this. And this case the Attorney and Counsel of almost every applicant will be able to establish. The result will be, that in all these cases the order must be granted; and thus, by the operation of the law, a door of temptation will be thrown open to innumerable separations.

That the present Judges, and probably their immediate successors, on account of their own education, and the opinion at present existing in society, and not yet utterly destroyed, would make as many difficulties as they could in granting the orders of access, we believe; but that this salutary reserve would gradually give way to the growing laxity of public opinion, thus demoralized, there can be little doubt. And this is the more probable, because, where any restrictive clause is introduced in a law, the Judges are in the habit of interpreting the intention of the law-giver by that clause; so that all the cases which are not expressly excepted are presumed to have been intended to be admitted; and thus, with the exception of *convicted* adulteresses, the admission of all other cases to an order for access would become ultimately the rule of practice. It is plain, therefore, from all that we have said, that the inevitable effect of this Bill, if passed, would be to facilitate and increase separations.

2. Because, inasmuch as it favours and facilitates separations, it facilitates seductions and adulteries.

What we have before shown of the immorality and dangerous consequences to society from the violation of marriage by separation, applies with immeasurably greater force to the cases of its violation by adultery : and that first kind of violation leads directly to this second. For it is impossible to find, or even to imagine, anything that has so strong a tendency to favour and increase adulteries, as a separation between married persons, such as is commonly practised,—and the practice, there are but too many grounds to fear, is growing daily more common,—amongst the higher and wealthier classes of society in England. Separation, although it does, *ipso facto*, to all intents and purposes destroy the marriage, does not in the slightest degree destroy the passions of the parties separated, but, in general, just the contrary. A separation, without divorce, is the most unnatural, and therefore the most immoral, state in which two human beings can be placed. Without any removal of those natural, unblameable feelings which the all-wise Creator has placed in them to be exercised for the developement of life, and love, and virtue, the law of man, when it decrees or sanctions a divorceless separation, places them in a position where these feelings cannot be exercised without the commission of a crime ! What is the consequence ? That as nature is stronger than human law, the law is broken, and crime committed. Every one who knows anything of the world, knows that there are no women so much the mark and the prey of seducers and adulterers, as wives separated from their husbands. The cause is obvious. Every woman, by nature, needs a protector. It is her honour as a woman that she does need one. Retiring modesty, and the delicacy of innocence, are the peculiar and most attractive virtues of her sex ; and these are incompatible with public boldness and masculine independence\*. They need protection. God therefore, who so endowed woman with these virtues, appointed her husband to be her natural protector. A woman then, separated from her husband, being without marital protection, holds out, as it were, a flag of invitation to every other man to take her husband's place,—thus to afford

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\* For the peculiar appropriateness and necessity at the present moment, of these remarks on the true nature and position of Woman in the social system, see the Postscript to this article.



to her that security and consolation of society which by nature she needs, and is without. A young wife separated from her husband is placed in a state of the extremest temptation. If innocent and injured when she leaves her husband's home, every man of feeling must sympathize with her; and how near sympathy is to passion, in these cases, is sooner felt than said! If, on the other hand, she was at all viciously disposed before the separation, there can be very little doubt but that she will be much more so after it. For now, having no longer any eye to watch over her conduct, nor any mind to advise and control her, as she had whilst residing in her husband's house, she becomes the irresponsible mistress of all her actions, and may give full play to all her passions, however immoral, provided only that it be done with secrecy, *which this very living apart does provide for her!* Separation is at once a temptation to do this, and a guarantee that it may be done with impunity. Every separation then adds another immense chance,—an infinite multiple of chances,—to the commission of adultery; and every law therefore that tends to favour separation, does, in fact, hold out a *bonus* for adultery,—for the commission of that very crime which, as we have before proved, is of all others the greatest corruption of the moral being of the state! How much evil is done to the morals of society by a single example of triumphant vice is manifest; how enormous the evil becomes, when these examples are frequent, is still more so; and it is manifest, therefore, that on this ground alone, as holding out a *carte blanche* to adulteries, separations ought, as far as possible, to be prevented.

If, then, this Bill, so directly favourable to separations, be permitted to pass, it will hold out a direct bonus to seduction and adultery!

And here it is needful to make a few remarks on the fourth Clause of this Bill, which provides that no order for access shall be made on behalf of a mother who has been *convicted* of adultery. This, so far as it goes, is right,—i.e. if any part of a whole can be said to be right, when the whole itself is throughout and fundamentally wrong,—but no thanks for that to the framer of the Bill. For, until the third reading, he strenuously opposed its admission, and then only admitted it as a blind to cover the immorality of the Bill in general,



and thus to gain a sufficient number of votes to enable it to pass. Lord Mahon, just before the third reading, told Serjeant Talfourd that unless he admitted this Clause, he (Lord Mahon) should be obliged to oppose the Bill; and so, in order to gain the votes of Lord Mahon and his *co-opinants*, Serjeant Talfourd, though he had before expressly, with determination, resisted any alteration in the Bill as *to this point*, made the compromise, and said that as "the introduction of such a clause would tend to remove the scruples entertained by some to the measure," to meet the views of the noble Lord and others, he would admit it, though "he must candidly say that it was *adverse to his own!*" Let the conservators of the public morality only well consider this. Here, although adultery is a crime so radically immoral in itself, and so destructive of all the social relations, that the wisest legislators, sacred and profane, of all ages, have thought it worthy of the severest punishments of seclusion and infamy; and no private individual, with the smallest regard for virtue and religion, would permit an adulteress to come and contaminate his children by *any* access or intercourse;—here is a legislator who, in the 19th Christian century, gets up in his place in the Parliament of a Christian people, and declares that, according to his views and wishes, if he could only effect them, such women as these should be allowed the right of demanding *habitual* access to the children of the very fathers whom, as well as society at large, they have so infamously outraged! And he only gives up his opposition to the admission of this restrictive Clause, because otherwise he could not silence the scruples of others somewhat more scrupulous than himself, and thus get the rest of this immoral Bill passed! This shows, as clearly as words or deeds can show anything, what was the intention of the framer of this Bill, and what class of women he wished to favour. And now we ask, what respect ought to be shown to the opinion of a legislator who would put the adulterous woman and the virtuous on the same level, and give them, *prima facie*, even after the one has been *convicted* in a court of law of adultery, the same right?

So much for the moral views and opinions of the framer, and the *intended* operation of the Bill.

But now to the Clause admitted! what will be its real effect? It would seem at first sight to be intended to prevent adulteries, and a right cunning and ingenious blind therefore it was to screen the immoral tendency of the Bill. But will it do so? Not in the least. It will not diminish adulteries, but will only increase separations; by which, as we have seen above, adultery is *ultimately increased too*. As women who have been *convicted in a court of law* will not be able to apply for access, no doubt it will make all those desirous of gratifying their illicit passions still more cautious than ever when and where they do it, so as to have no evidence to convict them of the fact. And how can they do this with such effectual security as by separating themselves, the sooner the safer, from their husbands, and going to live in a house of their own, where things may be so arranged that there shall not be even *the possibility* of their conviction? So far, then, from diminishing adulteries, it will only render the commission of them more safe, and therefore still more frequent.

And so much for the moral tendency of this cunning Clause, and the gullibility of those members, by far the most numerous part of those that voted, who by its admission were thus deluded into the belief that it would be a moral provision, and provide an effectual security against all other dangers that the Bill might introduce! Had the true title been given to this immoral measure, it would have been entitled "A Bill to facilitate Separations, Seductions, and Adulteries!"

3. Because it tends to encourage domestic dissensions between husband and wife whilst living together.

This is so plain as hardly to need explanation. At present there is one *very strong obligation* to make a wife live with her husband (viz. that unless she does so she will lose the right of access to her children); and whilst she is thus *obliged* to live with him, it is her *interest*, as well as his, to live together in harmony. United by a religious and almost indissoluble tie, they cannot separate in most cases without very serious inconvenience. The wisest thing therefore they can both do is to make the best of their united lot; for neither



of them can derive any advantage or happiness from quarrelling, but only misery. But if now this *obligation* be destroyed, as it will be by this Bill, inasmuch as a wife will thus be able, if she can only make out a strong case against her husband, to have access to her children after separation, and thus to separate with impunity; it will be no longer so important an interest to her to avoid dissensions. Nay, on the contrary, when she feels any inclination to separate, from a spirit of lust or discord,—for the devil of separation is very potent with such spirits,—it will become her *direct interest to have dissensions* in order to have an excuse, as the necessary justification of her separating herself from her husband, that they were living unhappily together! She has only therefore to play her part well, and make it appear in the eyes of the witnesses who will be called on to make the affidavits that she was an amiable and well-behaved lady, and her husband, the marital tyrant, the party quarrelsome. How easy it is for a woman, resolved on separation, to do this we need not say. The tact and self-possession of manner in most women is proverbial, and not the least so in immoral ones. A lady, who but five minutes before may have been like a fury when alone with her husband, if any one else comes in, any chance visitor, will receive him with a lady-like quiet, ease, and grace the most fascinating. From her manner you would believe she was an angel; whilst all the while at heart she may be, what St. Paul commands young wives not to be, *διάβολος*, a crafty slanderous hateress of her husband, a very devil. Avoiding then any demonstrations of passion which would compromise herself, showing every form of respect to her husband before servants and strangers, she has only secretly to thwart and annoy him by a system of passive resistance and agitation, (such as has been lately recommended to her sex by a fashionable Female Emancipator), so as to render him unhappy, to disturb his general equanimity, and to make him, as he would be thus almost sure to do, express, in his unguarded and honest dissatisfaction, harsh words and gestures before witnesses; and all of these will be so many more proofs in her behalf to obtain a separation, and ultimately an order for access to her children. This Bill then will tend directly to promote dissensions. By it, in many cases, the peace of



whole families will be convulsed, and one may truly therefore describe its effect on this head in the words of that grave and experienced historian of life, Tacitus: "*Sic quoque crumpere æmulationem feminarum, eaque discordia nepotes suos convelli. Quid si intendatur certamen tali conjugio?*" What indeed! In the course of our experience (and the circle of the acquaintances of any single individual, as compared with the whole community, must necessarily be very limited,) we have known instances of this.

A woman who wishes to be independent and her own mistress, (and how many women in the world are there who have not this wish?), if she do not possess an independence, uses the personal attractions and talents she does possess to get one, by persuading some amorous *promesso sposo* to make a good settlement upon her. This is what is done at present, and bad enough the effect of it is. In too many cases marriage has become the most mercenary of speculations; but if this Bill be passed something more and worse will be done too. Other speculations will also be made of a far deeper die of immorality.

Our readers may probably have heard of some of those cases where the daughters of noble houses had condescended to form an alliance with wealthy commoners, where they, or their parents, more eager to secure their fortune than their virtue, insisted on having introduced in the marriage settlement a clause to the effect that if a separation should take place a certain jointure should be made on the wife. They may have heard also how, in one case at least, the husband, much to his honour, broke off the match, saying that he would not even contemplate the possibility in the case of the lady he loved of any such prospective immorality, and much less degrade himself by becoming a party to guarantee its reward. What this gentleman rightly refused to do in his own case, should Mr. Serjeant Talfourd's Separation Bill pass, would henceforth soon be the common practice in all.

At present the law will not admit of prospective separations.

When indeed it is calmly looked at, it does seem shocking that, from any considerations of fortune, parties should admit the possibility of a future separation in the very preliminaries to the act by which they solemnly covenant in the sight both

of God and man to live together till death. For this very sufficient reason therefore the marriage settlement, even of the titled and the wealthy, rarely admit, *at present*, such provisions as we have alluded to; and the legal difficulties and embarrassments which generally attend separations, arise in a great measure from the law's having refused to make any provision for so anomalous and immoral a state. And notwithstanding these embarrassments and difficulties, however much to be deprecated; nay, of injuries also which are frequently suffered by one or both of the parties so separated, the law must be felt to be consistent to its principle, and therefore in this respect just. But by this proposed Act it would become far otherwise; and the legislature having once set the example of contemplating and providing for future separation, over-wise parents and legal advisers will not be slow to follow it; and clauses and conditions and provisions, now at once so infrequent and disgraceful, will become things of course, whenever the lady brings title or fortune or personal attractions to overbear the true feeling of a husband, if it exist in the degraded suitor\*.

As soon as such a settlement is made the wife will become doubly independent of her husband. Having by marriage got rid—to use the pregnant phrase of a modern fashionable and titled moral authoress, got rid of the “thralldom of *demoiselle-ship*”—as a wife, no longer requiring a *garde de dames*, and now by her prudent settlement relieved, at the first moment she may choose to separate, from the necessity of living with an odious husband in the tameness and sameness and *ennuyante* monotony of a conjugal unity, she will use this

\* While this article has been passing through the press, we have read in the Morning Herald of July 7th the announcement of an event which is so *à propos* to the subject we are treating, that we here insert it:

“The *Augsburg Gazette* states, that the marriage of the Count St. Leu with the Countess de Stiozzi (Strozzi?) is broken off, the count having torn the contract at the moment he was about to sign it, in consequence of a clause stipulating a certain income to the countess in case of a separation. The countess's father intends to bring an action for damages.” So, it appears, that in countries where public opinion has been vitiated by the common violation of the marriage union, and where provisions for prospective *separations* are introduced in marriage settlements, the betrothed bridegroom, who refuses to sign such an one, is liable to have an action brought against him for breach of promise of marriage! And this is another of the precious moral consequences we may expect to see introduced amongst ourselves, if the legislature should consent to pass Mr. Serjeant Talfourd's Separation Bill.

very settlement of prospective separation as the means to accomplish other prospective immorality; and as now immoral husbands choose sometimes to live with their wives in order to enjoy their fortunes, immoral wives may choose to separate from their husbands in order to enjoy the sweets of independence and a jointure. For, inasmuch as a married woman of independent fortune, and residing alone, to gratify her own fancies, is immeasurably more independent than one who resides with a husband, whom by her own vow she is bound to obey; it will be the *material* interest, in all those cases where such a woman is independent, to have a separation. And the conjugal *certamen* therefore will be her cue to effect one: for every additional quarrel and outbreak of passion by her husband will be another fact in her favour to lay before the Judge in the affidavits, when an application is made to him for an order of access. And this leads us to the next point of immorality in this (whose shall we call it? Mr. Serjeant Talfourd's or the Hon. Mrs. C. Norton's?) peace-making Bill!

4. Because it tends to encourage litigation after the husband and wife are separated.

If this Bill should become law, the first thing a wife, who has chosen, upon any grounds, just or unjust, to leave her husband, will say is this:—"I must have access to my children: it is necessary to me, not only for my personal comfort, but *for the sake of my reputation*. If I cannot get a Judge's order, it will be generally thought that I was not justified in leaving my children; and in the opinion of society I shall be ruined." (Observe how the mere *private dictum* of a single Judge, deciding irresponsibly in his own chambers, may thus become the test of morality to a whole society!) She goes therefore to an attorney, and instructs him,—no matter what it may cost, her husband is responsible for her debts,—never to cease until she has attained her object. If one Judge will not grant it, another may; and in the hope of this, the litigation will go on, and whole families be plunged into the deepest exasperation of distress and ruin. This part of the operation of the Bill has been so ably exposed by Sir Edward Sugden in his speech in the House of Commons upon the second reading of it, that we cannot do better than reprint his observations here. And we think such an opinion, coming as



it does from one of the most experienced lawyers and judges now living, ought to carry with it to the mind of the public, and of the House of Lords, the Conservative portion of the British Legislature, the greatest weight. The masterly *exposé* of the Ex-Lord Chancellor of Ireland is thus reported in the Times of the 15th of Feb. ult.

"His hon. and learned friend would perhaps say that his Bill left it to the Judge to determine when the mother ought to have access to her children. Be it so. Then let the house consider what would be the consequence of giving this jurisdiction to any one of the Judges at Common Law, or to any one of the Judges in Equity. The Bill proposed that any one of these Judges should have the power to vary or repeal the order or decree of any other of their number. What would be the consequence? A wife leaves the house of her husband, after a sharp quarrel, on what she deems justifiable cause. She goes at once to an attorney, and says, 'I want, and must have, access to my children, whom I have left in the care of my husband.' He replies to her, 'Then you must make out a case.' She rejoins, 'I can do it readily.' He then tells her, 'You must put your facts into the shape of an affidavit.' She does so by the help of this disinterested adviser; and what will the affidavit contain? It will describe the wretchedness of her marriage life; not one incident which has occurred since her marriage to the disadvantage of her husband will be forgotten, and every accidental slight and unkindness will be magnified into an act of oppression and cruelty. A look of scorn, a word of anger, will be brought forward as a real grievance; and after all, there will be no proper issue, as the lawyers say, for any Court to decide; for it will never happen that a woman under such circumstances will rest her claim for access to her children upon any particular instance of cruelty. No woman will ever admit that she left her husband's home on account of a short quarrel of five minutes' duration. No: she will show that she has endured patiently a long course of ill usage and cruelty, and that she did not leave her home until endurance was no longer possible. The husband, exasperated by such an affidavit, will then give his explanation of everything which has occurred in his married life, and will meet her statement of grievances with a statement of her provocations, and it may be, misconduct. He will endeavour to throw the blame on his wife, just as she has endeavoured to throw it upon her husband. . . . There would be no end to litigation, over which the Judge would have to preside. Facts would be asserted on one side, and denial would be given to them on the other. Then the friends of the two parties would take share in their quarrels, and, as usual, would embitter them more and more. . . . The servants would be brought forward, and one half of them would swear one way, and the other half the other. Incontinence would be charged on one side, adultery on the other; and all this on affidavit; without any personal examination or cross-examination of the parties, and on all the *res gestæ* thus brought before him, the Judge would have to decide, one

way or other. In the course of his professional experience he had seen many things of this kind, arising at their outset from trifles light as air, magnified into grievances almost beyond belief. A hearing of a case of this kind would easily cost £400 or £500. But the case, once heard, would not be ultimately decided. No: it might go the round of all the Judges in Law and in Equity. If one Judge granted a decree this week, another might reverse it in the next; for affidavits might be collected to show that in the interval between the two decrees the conduct of the husband or the wife had been so bad as to justify the reversal of the former decree. The Bill, therefore, opened a scene of misery in families which was interminable, and an extent of litigation which was perfectly frightful."

Thus far Sir Edward Sugden: and after this we will merely ask one question.

Have we so little litigation already, or are its deplorable and demoralising influences so little known, that an entirely new source of it is to be opened, and this in the very bosom of domestic life?

5. Because it tends to encourage perjury.

Where a conjugal quarrel has gone to the extreme length of separation, accompanied by a determination on the part of the husband to prevent the access of his runaway wife to his children, the exasperation in the feelings of both parties must have become desperate; and where the wife, thus situated, finds that her good or bad reception in society for the whole of her after-life depends on whether she has been exculpated for her desertion, by obtaining a Judge's order of access to the children, she will do anything to obtain it. Before, therefore, she leaves her husband's house (where, during his daily absence upon his public avocations, she is entirely mistress), she will arrange everything so as to secure the success of her final plan. What influence has not a lady, especially one of independent fortune, over her female attendants! By well-timed liberality and promises, it is possible for her to persuade them to do almost anything. How easy is it, then, for her to give a bias to her maid's mind, to view certain actions of her husband in an unfavourable light! A weak mind witnessing, as a servant in this capacity necessarily must witness, so many things occurring in the more intimate domestic life of married persons, may be led to commit a moral perjury almost without knowing it; may be led to swear to something as a positive fact, whilst all the while it was only her own misappre-



hension! Nay, still more. This Bill will open a door to direct *legal* perjury. For if a single witness be only made to swear firmly to important facts, proving the husband's secret ill-treatment of his wife on such occasions, when no other witness was present, it would be impossible to disprove her statement. The maid then can swear boldly, without the fear of an indictment for perjury; and her mistress, through her affidavit, gain material assistance in her object to obtain access to the children. A present of two or three hundred pounds would be a large sum to tempt the maid to swear, though a small one,—as indeed any one, however great, would be,—to her lady, in comparison with the obtainment of her children, and the exculpation of her character. When the bribed witness has but once been prevailed on to swear, the very perjury she has committed binds her down for ever to secrecy. How often have not wrong decisions been come to, even in public trials, by hard swearing! How much oftener then must this necessarily take place in such cases as these, where the witness is not subjected to the ordeal of a *public* cross-examination in a court of justice, but merely gives her evidence upon dry unblushing paper, just as it has been safely tutored to her, after *private* examinations and partial conferences with the wife's attorney!

It is clear that a wide door will thus be open to perjuries; and as for that Clause, therefore, which states, that the making a false affidavit in these applications to a Judge shall be deemed a perjury, it will be as good as useless. The fate of it, indeed, seems to have been somewhat similar to that of the 4th Clause, which excludes adulteresses from the benefit of the Act: like that, it seems to have been admitted by the framer unwillingly, and only as a bait to get the rest of the Bill swallowed. As the insertion of that 4th Clause was obstinately opposed by Serjeant Talfourd, so in the first draught of his licentious Bill the word "*perjury*" was left in Italics,—why, we know not, unless it be that the Honourable and Learned Member, from his peculiar moral idiosyncrasy, was uncertain whether a false affidavit made to rob a man of his domestic peace, and, perhaps, of his children, should be deemed a crime of perjury! However, both these seeming checks against false affidavits and adultery were afterwards added in committee,



and now they give to the Bill a specious appearance of morality; whereas at the bottom, *practically*, one will have about as much moral effect as the other.

6. Because it tends to perpetuate the separation between parties already separated.

Rarely do people, whose animosity against each other has arrived at such an extremity of bitterness that they can no longer live together, although they must both subject themselves, in most cases, to considerable inconvenience by the separation,—rarely do married people, after separation, return to cohabit with each other. But it is quite certain that, if it is a hard thing to reconcile a husband to a wife who has left him, or whom he has left, it will be infinitely more so when, at her instigation, he has been made to suffer all the pain, anxiety, expense, loss of time, vexation, disgrace, and intolerable exasperation of a domestic law-suit. You might as soon expect that when a man's nose has not only been cut off, (for then, indeed, if replaced immediately in its old position, and left quietly to the healing process of nature, it might, perhaps sometimes, though rarely, be again united,) but when it has been long separated from the head it once grew on, and the wounded parts in the mean time ulcerated by an irritative blister, that they will then unite as before, and heal by the first intention.—No! as that sage and clear-sighted poet has truly said, when speaking about reconciliations,

“ Love quarrels oft in pleasing concord end,  
Not wedlock-treachery, endangering life,”

especially the life of honour. Few persons, if any, ever heartily pardon another who has gone to law with them to rob them of that; and well and deeply has the wise man written it, “a friend and bewrayer of secrets shall never be forgiven.” But when this bewrayer of secrets is to be fixed judicially into a permanent form—when these domestic secrets are put into the affidavits of menial servants, and bandied about between counsel and attorneys, and attorneys-clerks,—copiers and engrossers, and what not,—any one of whom, having thus the most intimate secrets of a family, *legally* proved, in his possession, might go at any time to an “Age” or “Satirist” and make them public,—who but a knave or a fool would say, that the person who has been the cause of this

is likely to be forgiven ; that this is a thing likely to effect a reconciliation ; that there can be any the smallest hope of reconciliation between parties who have thus acted towards each other ? We say this the more earnestly because some of the supporters of Serjeant Talfourd's Bill affirmed, that it was one likely to re-unite parties separated ! And Serjeant Talfourd himself, to parry one of Sir Edward Sugden's home-thrusts, had the *bonhomie* to tell his innocent audience that if such things were ever published, the publisher might, forsooth, be prosecuted for a libel ! as if it would be any satisfaction to the feelings of a man, lacerated by such an exposure, to make the exposure still more public by a trial ! as if any advantage was to be gained by prosecuting an editor of a newspaper for a libel, when that libel is nothing more than what has been stated in evidence ; ay, and when the defendant might even subpoena the Judge who made the order for access, and place him in the witness-box to give publicity, upon his oath, to the same facts ! The dissemination of private scandals by the operation of this Bill will be increased to an extent incalculable ; for henceforth being beyond control, no possible calculation can appreciate it. And how demoralizing private scandals are to private and so to public opinion and morals who can be ignorant ? Nevertheless, Serjeant Talfourd has the coolness to assure us, that "the object of the measure, so far from fostering, was to prevent private scandal !" One would suppose that a legislator who can bring forward such a Bill as this, and such arguments in support of it, must take the people of England to be no better than so many fools and idiots born to be gulled out of their dearest and most sacred rights, by nonsense, however palpable, and by immorality, however gross.

7. Because it will lead to abductions.

Every one knows that the guardianship and custody, or, so to say, the actual possession of the persons of children is, in very many cases, a thing of the greatest importance to the party possessing it : for instance, where children are the possessors of, or heirs to property, from which, by influencing the mind of the infant, the *custos* might derive to himself some material advantage. This is one case where there might be a very great temptation to any one living out of the father's family to abduct

his child, and carry it out of the jurisdiction of the English law; and more particularly the mother of the infant, who might hope more to influence it for her own purposes than any one else could; and this especially where the infant was a female, and approaching the age of 12 years, upon the completion of which she might, by law, be immediately married to suit the mother's purposes; and the marriage, when once consummated, though quite contrary to the father's wishes, could never be undone. How easily abduction might be effected were this Bill once to pass, by which access is permitted to a third person residing out of the father's house, we shall show hereafter. At present we are merely exposing the *motives* that would lead to abduction.

Another of these is this; by obtaining the possession of an infant, and carrying it out of the country, a wife might endeavour to extort money from the father, or to make him give up certain papers which it was for the interest of her character to have. We ourselves knew a case of this within these last three years; and the attempts of the wife were only frustrated by the extreme vigilance of the father in watching over the safety of his child, and the complete power that the law *at present* gives to him, rightly, for this purpose. But had Serjeant Talfourd's "Custody of Infants' Bill" then existed, and the wife had thus been enabled in the case in question to succeed in abducting the child abroad, she might easily have gained all her other ends. For a father of any feeling would naturally sacrifice anything rather than his children.

Another strong motive to abduction will be the following: and we mention it because it can only exist in the particular case of the operation of the Bill. It must be borne in mind, that this Bill, introduced to remedy a few private injuries by a violation of the great fundamental law of society, can after all only come into operation,—can be of any use at all only in those few cases where the husband positively refuses to let his wife have access to her children. Now these cases are exceedingly rare; (out of the Law Reports of centuries, Serjeant Talfourd could only get evidence of six!) for in nineteen times out of twenty, where separation takes place, the husband lets his wife have access to her children—(for the



good reason, because as the law *at present* stands, it is his interest to do so)—and not unfrequently lets her keep one or more of them altogether in her own residence.

But where the husband has positively refused to let her have access, then by Serjeant Talfourd's Bill he is to be compelled to do so, *i. e.* through fear of the jailer, or by the brute force of constables and sheriff's officers. These are the pretty peace officers to be made the means of reconciliation between a husband and wife!

Now, in the majority of cases, where this bill will be called into operation, it will be, as we shall show more fully hereafter, (under the heads of the impracticability and ineffectualness of the bill,) of no force or use whatsoever: for the husband, if he find himself unable to evade the law in any other way, will dispose of his property and go abroad rather than submit to such a perpetual degradation and torment at home, as to have a person who despises him, and whom he despises, brought into his house, against his will, whenever a third person may choose to order it.

Only therefore in those few cases where his business or situation, or the general state of his affairs and property is such, that without positively reducing himself to ruin and beggary, he could not leave them and the country, will the husband submit to the law, and let the wife have access to the children; and to this he submits with the utmost reluctance and indignation; and if he hated his wife before she applied to the judge, be sure he will hate her ten times more afterwards.

Now, whether the judge's order should state that the wife shall see his children in or out of the husband's house, matters not. It is plain, that unless you intend to give to the judge by this bill the right not only to give to the wife, when and where he may please, access to her children, but also to exclude the father from having access to them at the same time, *i. e.* to take away, *ad libitum*, the father's right of access, (which, though Serjeant Talfourd, in his deceitful Bill, professes that he has no intention to do, is, in fact, the necessary result of his Bill; albeit, we trust, that whatever may be his professions, the people of England will never permit such an outrageous tyranny), the father will have at least the right of being present, and of taking with him some one else

in his own confidence (and who entertains therefore his feelings and sentiments towards his wife,) to be present at these interviews, and will consequently be able to give to his wife the most bitter annoyance. What will be the natural consequence? Why, the wife will say to herself:—

“An impartial judge, by granting me his order for access, has declared that I had a right to leave the house of my hateful husband. The legislature, by passing Serjeant Talfourd's Bill, has admitted the principle, that a wife and mother, even when she has left her husband's house, has *prima facie* as much right to have access to the children as he has. Now, if *prima facie*, I have as much right as he has to see them, I must have a right to see them for as long a time as he does! ‘By nature the rights of both parents are co-equal.’ The law, by admitting my right at all, admits this. But if, therefore, it fairly righted my wrongs, I ought at least to have the children with me for half the day—for 12 hours at least out of the 24,—for six whole months in the year!” (Only see here with a single *coup d'œil* of the mind, what the consequences of the admission of this principle would be upon the education of the children!) “But now for the sake of the regulations of a mere conventional and tyrannical system of society,—for the sake of upholding the tyranny of one sex\* over the other,—a mere tyranny upheld after all upon no better grounds than brute force, and the law of the stronger—for the sake of this I am deprived of my *due* right of access, even though the principle by law be now admitted, that *prima facie*, every wife and mother, though living out of her husband's home, has yet a right of access to her children!

“The old law that denied this principle altogether was a vile tyranny, but at all events it acted consistently. At all events I cannot say that it deceived me. It said to me, as plainly as a law can say any thing, We do not admit the principle that the female sex is equal to the male, and therefore we do not give to you the same power as to your husband. If you choose to marry, you must, as the law of God declares, be in subjection to your husband. Against his will, whilst living in his house, you will not have the right to command his children, nor if you

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\* See the postscript.

leave his house will you have a right to have access to them. The power of command over your children you do not in *your own right* possess. Your husband indeed, their father, who has this power in his own right, may intrust you with it during his life, or after his death, by making you in his *will* their sole guardian; or should he die suddenly intestate, the law will naturally presume that it was his intention so to make you. But of yourself, as a woman, right of command over his children you do not possess. We intend that you should live together, and that peace and order should be maintained in the family by the command being given to one. This is what the old law said. And all this I knew when I made my marriage contract, and by my own voluntary act at God's altar pledged myself to *obey* my husband. I cannot say then that the old law deceived me, or gave me any false hopes of successfully opposing the marital tyranny, for doing which, at the instigation of this new Bill, I am now suffering so bitterly. But this new Bill, which admits the principle that by nature the rights of both parents are coequal, which admits the principle that, though living apart from my husband, I have still the right of access to my children,—that I ought to be righted, and still does not right me,—is at once both tyrannical and absurd. Had the old law never been changed, probably I should never have had the views and feelings that I now have on the subject of my rights; but now with these views and feelings legally justified, my wrongs are so much the more intolerable. Now I know my rights, and I know also that this new law is both unjust and inconsistent! What obedience then do I owe to it? As the law will not redress me, nor give to me the fair and equal access which it admits I have a right to have to my children; and even, during the time I have access, that villainous husband torments me and makes me miserable, through the fault of the law in not excluding him;—why should I not redress myself at once and for ever, and carry away the children altogether? What moral crime is there in that? Have not I, the mother, just as much right over the children as the father? Has not the wisdom of the British legislature of 1838 declared so, and destroyed by Act of Parliament the old false prejudice about the inferiority of my sex? As then I am equal to my hus-



band, I have as much right to exclude from him the children as he has to exclude them from me. And why, if I can, as I can *now*, though I could not formerly, why should I not do it? If I do it, no punishment will fall upon me nor upon them for doing so; nay, perhaps great material advantage will accrue to both of us. From the facility Serjeant Talfourd's Bill has given to me, it can easily be done, and at the first opportunity I will do it."—Such will be the reflections and motives that will arise naturally in the mind of every woman who, under these circumstances, obtains access to her children by means of a judge's order, against her husband's will. Did the limits of this article permit us, we could mention many more motives to abduction, which will be called into action by this "Robbery of Fathers' Bill."

Now do people know, have they ever considered, what a horrible immorality the crime of abduction is? From the state of public opinion and of the law about it, we should suppose not. When a woman chooses unjustifiably to leave her husband's home, people may perhaps blame her, i. e., say they, the lady has taken a very unfortunate step; but if she tries afterwards to get her children, and if prevented from doing so, to carry them away from their father, that is all very natural! Has no one ever heard of such cases, where runaway wives, ay, and even convicted adulteresses, in order to cover their crime, have robbed their own husbands of their offspring, and that then people have come forward to justify such a villainy, as if it were all a mere effect of nature?—as if this second infamous breach of trust, on the part of the wife, completely white-washed the first? Her having had the imprudence to leave her husband, and commit adultery, was perhaps bad; but her endeavouring to take her child with her was good,—the proof of a warm, natural, amiable heart! We abhor vice in any shape; but when it attempts to assume the form of virtue, and clothes itself in a drapery of plausible sophistry, we not only abhor, but are disgusted. No such object of disgust in the world as to see people labouring to commit vice with decency, and yet come off, so far as the judgement of the world goes, with impunity and success!

The possession and custody of children in their tender years is the most important thing that can happen to themselves.

Education, moral being, inclination, marriage, and disposal of property, all depend on it. The moral effects of child-stealing may be a great deal worse than those of murder; and therefore, if any crime deserve the utmost severity of the law, it is the stealing of a human being, during its infancy, from its legal guardian, its father. At present the law against child-stealing is inconsistent and bad enough. The penalties it affixes are utterly disproportioned to the magnitude of the crime;—penalties no greater for child-stealing than for many other species of theft! As if the law rated the value of a child to its father, the value of a subject to the state, no higher than if it were a pig, or an ass, or a few cabbage-heads, or a bit of signed paper, or half a dozen pieces of stamped yellow dirt! The law we say is at present immoral and weak enough for the punishment of abductions; and the only reason that the crime does not more frequently take place is, that the father has *at present* the full power given him to guard his children, and to exclude every one from access to them who, he may have reason to believe, has the intention to abduct them.

And this power is the more needful, because, in the case where they are abducted by the mother, or at her instigation, this robbery from the father of his sons is not even a felony,—not even liable to legal punishment. As the law, consistently with its great principle, that the husband and wife by marriage become one, will not admit the possibility that the wife can rob the husband of his goods, (for that would be like affirming the absurdity that a man can rob himself,) will not therefore constitute such an act on her part a felony; so neither does it make it a felony when she abducts his children, or even carries them out of the realm; although, indeed, abduction, in itself, is as immoral an act as any one can commit, and when committed against a man by any one else but his own *wife*, it is considered by the law as a felony.

But if this Custody of Infants' Bill should pass, by which the paternal power is to be taken away, nay, and in that very case where, as we have shown, there will be stronger motives, and greater facilities to abduct the children than in any other whatsoever, can any person of common sense believe that the crime will not frequently occur? The motives and means be-

ing given, and the restraints taken away, what should hinder it from occurring? What can prevent it from occurring?

At present, let it be remembered, that although the abduction of a child by its mother is not a felony on her part, and consequently not a felony on the part of servants or other accessories who may assist her, still it is in general believed by them to be so. Unsophisticated people, better acquainted with the feelings of nature, the dictates of common sense, and the commands of the word of God, than with the reasonings and technicalities of the law, still believe that to rob a father of his child is a theft, a very atrocious theft, a desperate felony, liable to the severest punishment; and doubtless many a time this honest simplicity of nature, this natural conviction and fear of the legal punishment to follow so wicked a felony as they believe it, has restrained servants and other persons ignorant of the law from assisting to carry off their master's children. We ourselves have known a case of this, and many of our readers may probably have known others.

Again, at all events, every one knows—what is the real fact—that by law the guardianship of a child belongs solely to his father, and that unless he chooses to let his children go out of his house, no one has a right to take them out of it; unless he chooses to let any person living out of his house come into it to see them, no one has a right to let that person in; much less has a servant a right to do this; much less dare he presume to do it when it is directly contrary to his master's orders. At present, it is as much as the safety not only of his place but of his own person is worth, for a servant to attempt to abduct his master's children. If it be lawful for a householder to kill a burglar who is attempting to carry off the smallest portion of his property, does any one doubt that it would be a most justifiable homicide for a father of a family to kill a treacherous villain in his service, whilst attempting in the dead of the night to carry off his children,—his dearest treasures? If any one were to attempt thus to rob us of our children, we should no more scruple to shoot him, if we could not stop him and regain them by other means, than we should to shoot a tiger or a she-wolf who were doing the same atrocity! And we are certain that the heart of



every true father will respond to the justice of these our sentiments.

Every servant then knows that at present a father has a *legal* right to defend his own children, because the law has expressly declared that he is their legal guardian; that for this purpose, as well as for that of their education, and in his own supreme right as father, he has the right to exclude from them whomsoever he may have reason to believe will demoralize them; and that no other person on earth, except where he himself may have broken the law, has a right to interfere with them against his will, much less to assist in abducting them from him. But if this fundamental law of the paternal right be virtually destroyed, as it will be by Mr. Serjeant Talfourd's Bill, (and in his speech he expressed the wish that at least up to the age of seven years he could destroy it utterly)\*—let it once be known that a father has no longer the sole power over his children; that other people out of the family may order them, in spite of his wishes and against his orders; and what shall servants and other people believe? What else can they believe but this, that the taking of a man's children out of his house,—in other words, that abduction, is no longer a crime? Thus what the law of God has made child-stealing, the law of Parliament will have made no child-stealing. Here you will see the same act at once child-stealing and no child-stealing. Henceforth, if Mr. Serjeant Talfourd's Bill is to be of any use,—and if it is to be of no use, how dares he to come forward for no use to attempt to destroy our old rights given to us by the law of God? Cursed is he, saith the Holy law, that disturbeth rights, “that removeth his neighbour's landmark.” To disturb a right is in many cases even more pernicious than openly to violate it. And what a disturbance of rights, what a removal of the great moral landmarks of social life will take place by the operation of this Bill, we have already seen and shall see in the sequel still more fully.—But if the Bill is to be effectual, or of any the slightest use at all, its effect and use will be this: that a man's dependents, and all those to

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\* See Mr. Serjeant Talfourd's speech, reported in the Times of Dec. 15, 1837.

whose care he has confided his child, will act respecting the child directly contrary to his orders. In obedience to the judge's order, servants, friends, relations, schoolmasters, guardians, will all be forced to violate the conditions of the trust imposed on them by the father when he left his children with them. You will destroy by this Bill the whole faith of society in the most important of all its trusts. A father so situated will no longer know whom to trust. He will be forced, as in a state of savage life, himself perpetually to guard by force his own children. The effect of this Bill will, if any, be this; that schoolmasters, and schoolmistresses, and servants, &c., will, against their employer's and master's order, take a child to its mother, and those she may be living with. Meanwhile, by force or fraud, the child may be abducted. The mother has prepared everything. What is to prevent her from doing so? She gets the nurse to leave the room for an instant, whips the child down stairs into the carriage, and in five hours' time—perhaps before the husband returns home from his business, before he can see a judge or get a writ of *habeas corpus*—the wife, in these railroad-traveling days, may be upon the high seas, beyond the jurisdiction of English law.

Thus all this villainy will be done with impunity. The servant swears she could not help it. The mother cannot be touched. The father has lost his child.—You will make child-stealing and perjury (two of the most dangerous, demoralizing and infamous crimes that can infest the happiness of society,) the most trivial of offences. By making them to be done with impunity, and, under colour of a judge's order, you will make them as it were lawful; and thus, at last, you will make people believe they are not even immoral at all! And people, as we have shown, are already too prone to believe this.

At present a judge can issue a writ of *ne exeat regno* to prevent injustice, and retain in safety a man's children in the country: but this new order ought to be called an *exeat regno*; for it will give unlimited opportunities to carry children out of the country! If this Bill pass, we shall have the astounding spectacle of the abduction of the queen's subjects out of the realm by means of an order from the queen's own judges! What would Lord Coke or Sir Matthew

Hale think of the legal morality of such a law as this; and of the virtue and sense of the legislature that could make it?

And, observe, that all this injustice will go on without the possibility of a remedy, except what the father can get *vi et armis*. He must leave his home, his business, his situation, his family, all his duties public and private, to go personally abroad to hunt for his own children perhaps all over Europe. He cannot delegate this to any one else, for how could any one else recover for him his children?

The authorities of any foreign country would not interfere to assist any *third* person, not the father of a child, to take it away from the mother; and as even a special writ of *habeas corpus* granted to the father for the recaption of his child would be useless out of the jurisdiction of the law, and as the state could not go to war with a foreign country at every moment for the recovery of her subjects thus forcibly detained in it, it is plain that the father, if he intended to get them at all, must go himself after them, and even then, possibly, with very little success. He would first have to learn in what country and town they were, in what place and street and house they were residing. And then comes the difficulty how to get admittance into that house without breaking the law of the country, and rendering himself liable to be thrown into prison, where there is no *habeas corpus* to release him! And even if he did manage without a breach of the law to get into the house, perhaps it will be only to hear that the lady left the place with her children some six hours before, and had gone in a certain direction,—(so it is told to the inquiring husband) just the opposite to that in which she really has gone. Thus a father who chanced to have the misfortune to be tied for life to an immoral but plausible wife, (thanks to Mr. Sergeant Talfourd's destruction of his paternal right,) might have the pleasure of making the grand tour of Europe in search of his children, perhaps of his only son; might have to waste months of time, and pounds of money, and years of agonizing feelings in travelling before he overtakes his runaway wife. And when he does, she would of course still continue to conceal the child,—she might hide it, place it, if a female, in a convent,—do any thing with it; perhaps tell the distracted father, to break his heart, that it is already dead and buried!



When we contemplate all the scenes of horror and agony and profound demoralization that would arise from the operation of this Bill, we are at a loss to conceive how the framing of such a measure could ever enter into the mind of any man, and much less of a lawyer !

8. Because it tends to demoralize the children and destroy their education.

All domestic dissensions and separations tend to demoralize children, and this Bill tends to increase domestic dissensions and separations ; it tends therefore directly to the demoralization of children in this way.

But it does so in another way, in a way entirely new and peculiar to itself. This Bill has the honour of having proposed to open a new source of demoralization in English society hitherto unknown !

At present, when separations take place between man and wife, no doubt the children are thereby greatly injured in some respects. Besides losing the *constant* care and watchfulness of one of their parents,—and without this watchfulness being *constant*, it is, *quoad* duty, as good as useless,—the example to children of their father and mother living in open violation of their marriage-vow is no doubt a very pernicious one. But in other respects, separation, in particular cases, may be *comparatively* a moral benefit to the children. Of the two evils it may be the lesser. It is better for children that their parents should be living apart, than that they should have constantly before their young and impressionable minds, from their earliest childhood, for years together, the example of perpetual dissensions and unchristian hatred between those whom filial piety and religion commands them to love and honour, and whose conduct, whilst they live together in such a state, it is impossible for any one with truth even to respect. And when husband and wife cannot agree, this is commonly one of the strongest reasons in the mind of a virtuous father that would induce him to consent to a separation, in order that his children should not be demoralized by such an example. The separation then is bad for the children, yet not so bad as their parents' continual discord ; and one comparative good is at least effected by separating. By consenting to this latter and lesser evil, the former is completely excluded.

But this Bill, consistent in its concretion of immoralities, combines the evils of both these states without the good of either. It does not remove the bad example of separation, but on the contrary perpetuates it; and it does not remove the bad example of the continual collisions of the parents' authority and counsels, but on the contrary increases and perpetuates them!

But the Bill will have an immoral tendency upon the children, not only on account of the bad example of their parents' discord and separation, but also on account of their own education.

It is the interest and duty of the State to provide that children be well educated. Compared with that, the private and personal feelings of the parents themselves are but of secondary importance. Indeed the force of parental feeling differs so much in different persons, varying through the whole range of the moral thermometer, from below zero up to above blood heat, that it is exceedingly difficult, nay, almost impossible, for the law to appreciate it in individual cases. And this doubtless is the cause why "in strictness no damages are recoverable in any case for an injury merely to parental feelings\*." The law cannot probe a parent's heart, cannot always know therefore whether parental feeling really exists there, and in what degree. But the law can and does know what are the essential conditions of good education; for these are constant invariable facts. Now the first condition, *sine quâ non*, for a good education is *Unity of Direction*. To subject the mind of a child when young to opposing influences, to instil into it contradictory principles and feelings, is the greatest possible injury you can do to him. In after life he will reap the full harvest of misery which you have thus sown; for what other effect can such an early impression of strange contradictions produce on his innocent mind than to confound in it all ideas of right and wrong? His inexperienced judgement, unable to discover where lies the fallacy, cannot possibly know which of the contradictory assertions is right and which wrong. Thus, from his earliest years, the inner sense of truth and justice is bedimmed; he

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\* Chitty's Practice of the Law.

knows not what to believe and what not; his intellect is filled with doubts and delusions, his heart with selfish hopes and miserable fears; his passions are uncontrolled, his reason obscured; the will, the main spring of all virtuous actions, weakened; and, in fine, his whole moral being is undermined and perhaps ruined. We repeat it, to let a human being pass through the stage of childhood without a *supreme* controlling mind to govern him, without a recognized, indisputably *supreme, authority* over him, which has power to cultivate his good dispositions, to reward his good conduct, and to repress by punishment the bad, is the greatest curse that could be inflicted on him. Without such an authority there is not the possibility of a good education; for all the various movements in education tend to but one end, and require therefore a unity of direction. This power of direction, then, must be placed in the will of some *one* person. The law has placed it in that of the father. If the mother, or any one else, had a legal right of commanding, as Serjeant Talfourd so absurdly complains that she has not, the child's mind would be ruined: obedience, the prerequisite of all education in its recipient, would be utterly destroyed. The child would not know whom or what to obey. His mother would command one thing, his father the contrary, and between them both he would obey neither! He would live under a government of duarchy, which is absurd, being neither more nor less than a two-headed monstrous anarchy; and thus living, his mind would become a chaos of anarchical principles, as his life of ungovernable passions and irregular practices. The only certain and fixed principle, if any at all in his mind, would be this; an utter contempt of all discipline, order, reason and law, except so far as it was enforced by brute force or cunning, which, in such a state of things, would be continually resorted to. The law then has done most wisely in giving the *supreme* power and right of *command* to one of the parents. Without it domestic life would be a scene of perpetual contest and anarchy, and the minds of the children completely demoralized. The power of deciding, in other words, the authority and right of command, must be given to one of them; for without that there can be no unity of direction, and without unity of direction no good education.



It is true that the parent to whom this power is given may abuse it; that the education *may* after all be a bad one; but without unity of direction, without a power and authority to direct, it *must* in every case be bad. The law, then, wisely preferred rather to encounter the chance of an occasional evil than the certainty of an universal one. It has worked well; being in accordance, as to *this* principle, with reason and morality, its general effects have been rational and moral. We defy Serjeant Talfourd to prove that the *general* interests of society have been injured, that they have not been benefited immensely, by giving the power of command to one, and only one, of the parents. But what does his immoral Bill propose to do? directly to violate and nullify this great principle—to take away this great beneficial power of control from the father, and in the very cases where it is most wanted!

If a power to educate means anything at all, it means this—a *power to admit or exclude* from the child such objects as the educator deems desirable to be admitted or excluded from him. If a man is to educate a child he must have the power to make the child obey. He must have the power to order him and to enforce those orders. If now his orders be perversely and obstinately opposed and contradicted by some one else—no matter by whom—and the child taught to despise and disobey them, how can he enforce them, and make the child willingly obedient? For be it remembered, not merely obedience, slavish obedience, compelled by a constant exertion of brute force, but willing, moral obedience is the object of good education. How else, in such a case, can this be obtained but by removing the child entirely from the influence of those who excite him to disobey, and preventing their access to him? If a man has not the power to prevent the access of unreasonable and immoral persons to the child under his care and custody, how is it possible that he can educate him rationally and morally? It is the most ridiculous self-contradiction to say, that you entrust a man with the education of children, if you do not give him this power. It would be the most flagrant injustice to make him responsible for their moral conduct, if you do not give it to him. Now the law does entrust a father with the sole cus-

today, care, safeguard, maintenance and education of his children, and it does, under the most tremendous penalties, make *him*, and not his wife, *responsible* for their conduct ; and this trust and responsibility Serjeant Talfourd declares is not to be at all diminished nor taken away from the father ; and yet, by his Bill, he proposes to take away from him the sole power he now possesses to execute this trust faithfully, or indeed at all ! Can any thing be more unjust, absurd, and immoral ?

But it is worth while to observe a little more in detail the striking contrast between the good sense, and sound logic, and moral consistency, of our old common law, and the immoral absurdity of this new Bill—the progeny of the age of education, the enlightened nineteenth century !

The old law of England demands that every man should bring up his children orderly and morally. As the law could not itself see into the penetralia of families, could not see therefore to regulate and direct to a moral end all the infinity of minute details and sudden contingencies that occur daily and hourly in the domestic life of every family,—as the good education of the children whilst at home depends on the right regulation of these things,—as good education requires the exclusion of improper objects,—as no one but a person on the spot, watching carefully all the incidents as they occur in their immediate connexion, can judge what is proper and what is not,—as no one but a person whose interests would be deeply affected by this would take the trouble to exercise this careful vigilance,—as these improper persons and objects might need to be immediately restrained or removed,—as this could not be done except by one having complete authority and a summary power of decision,—as the law itself, acting by any of its public officers, manifestly could not do this, nor any thing at all like it, and yet it was necessary to secure the safety and good education of the children of the State that all this should be done,—what could the law do ? That namely which it did. Entrust this power of regulation to one person, constitute that person head of the family, and make that person responsible. To whom then could it so reasonably and justly have devolved its authority as to him whose strength of mind could best foresee

danger to his children, and whose strength of body could, if necessary, best exert the entrusted power to ward off the dangers from them? It gave then this great power to the father, but with it an equally great responsibility. For if, by his abuse or neglect of this regulating power, his child should be mis-educated, an incalculable extent of never-ending punishment is sure to fall upon himself. The punishment of the sins of the father *may*, in some cases, fall upon the children; but that of the sins of the children under age *must*, more or less, fall upon the father: for on the good conduct, and so on the good education, of his child, the law has obliged him to stake his purse, his reputation, his parental feelings, his happiness, the peace of his house, the honour of his name, and his hope of leaving an honourable posterity after him. Every feeling and interest that can affect the heart of a man, even his own personal liberty and life, may be endangered by the bad education and immoral conduct of his children. He may in a single moment be ruined by it utterly. And therefore, though the absolute paternal power that it confers upon him is a great one, it is not a whit too great to answer the responsibility. The law is just and equal.

And now to the conclusion of these remarks on the inevitable effects of this Bill upon the education of children.

It is difficult enough sometimes for the most united couple, living together with the highest mutual esteem and love for one another, always to agree entirely as to measures of education. The subject is so exceedingly complex, that even the most enlightened persons frequently cannot agree upon it; and so supremely important, that the most conscientious are those who would be least likely to resign their opinion, unless convinced. And yet, as it is also a subject practical, and not one of mere speculation; as on all the doubtful points that must necessarily arise, something must be decided and done one way or the other; it is well therefore that the power of decision is placed on one side. As in the majority of cases the husband has a more extended capacity of intellect, and a greater acquaintance with life, than the wife, it is fit, even on these grounds, that he should decide. Who else can have so near and dear an interest to consider well and de-



cide rightly on the education of his children, who are to inherit his fortune and transmit his name to posterity, and for whose maintenance and conduct he, *and not his wife\**, is responsible to the law?

Considering all this, any reasonable and noble-minded woman, who loves her husband as she ought to do, yields willingly on these occasions, when she sees that her husband cannot concede to her opinions, which, if he could, he would be happy to do; and thus harmony is preserved, and the law has a beneficial effect.

On the other hand, supposing that the parents, though still living together, frequently disagree about other things, it is plain, from what has been before stated, that they will be much more likely to disagree about the education of their children. *A fortiori*, therefore, in this case the final power of deciding must be placed in one of them; for else they might never agree, nor the child be educated at all! However, even in these cases, on account of this very regulation, as it stands *at present* by law, there is still the probability or possibility of their ultimate agreement. Seeing the uselessness, and therefore the absurdity, of capricious opposition, the wife may at last desist from it. Or should the husband have given an injurious decision, he may probably, by experience, either discover it himself, and so alter it; or, still more probably, a little gentle and winning persuasion on his wife's part, which few men can resist, may persuade him to consent to its being altered.

But in the case of separation, the case in which this absurd and immoral Bill proposes to give this double power of influence by a right of access,—for all access necessarily implies influence by example or conversation, the two chief means of moral education,—there is not the possibility of any agreement. When married persons separate, if it be not for some open breach of their vow, which makes the one party despise or hate the other, it is because they cannot agree about themselves; and this disagreement of minds, and tem-

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\* If a father withhold proper necessities from his infant child, incapable of supporting itself, he might be indicted for his neglect at common law. But the mother, whilst her husband is living, could not be indicted, because she is not legally bound to provide necessities.—*Chitty's Practice of the Law*, part i. p. 65.

pers, and habits is of such a magnitude, so hopeless of all reconciliation, that they have consented even to violate their engagement and live apart, though by this step they must both probably subject themselves, especially as they have children, to very great injury. But if they could not agree about themselves, how much less about their children! When people disagree in feeling and principle at all, there is no subject about which they in general disagree so much as about the education of children; for that is a subject depending entirely upon principle and feeling.

Behold then, in this case, the consequences of this proposed law. The separated wife gets an order for access to her children. Whether she sees them in or out of their father's house, (about which we shall have more to say hereafter,) she will see them at any rate repeatedly, so as to be able to have an influence upon them. During the hours then that she is with them, she will be able to instil, openly or secretly, (and a few words may instil a poisonous hatred as well as a whole book,) her own views and feelings into the mind of the child; and the views instilled by her will very probably be in direct contradiction to those instilled by the father; and the feelings of a woman who has been excluded from seeing her children by her husband cannot certainly be very favourable to him. Indeed, in all cases it is the direct interest of a mother to exculpate her own conduct in the eyes of her children; and this she cannot do in this case, without, at the same time, and in the same degree, criminating that of their father. In other words, if she, by tears or reproaches, by soft or harsh words, should persuade the children's minds that she is innocent, it tends to make them believe in the same degree that their father is guilty—that his conduct has been infamously immoral or cruel; for nothing but infamous immorality or cruelty on his part could have justified their mother's desertion. In effect the children are thus taught by the mother to despise and hate their father, and perhaps to run away from him.

When the father discovers what is going on to influence the minds of his children, then come the explanations on his part, and he is forced, in order to justify his character, and not lose his moral influence with his children, to lay bare before

them the facts of their mother's misconduct, which, but for this interference with his paternal influence, he would most likely have been too happy to have hid from them in oblivion for ever. The consequence of all this is that the children are demoralized—are made utterly unhappy; and we hesitate not to say, that it would be far better for them that they had never known but one parent; and very likely, so far as her happiness depends upon the esteem of her offspring, far better for the wife that she had never applied for access to them at all.

The wife will probably then derive small advantage, if any, from this Bill, whilst the husband and children will certainly thereby receive great injury. What is manifest, as to the operation of the Bill, is this; that it directly violates the great fundamental law of society, the law of paternity; it directly annuls the father's right to have the *sole* command in his own house, and over his own legitimate children, whilst the same responsibility for their conduct is thrown on him as ever; and this we affirm to be grossly unjust, and therefore grossly immoral.

If it be said that there are cases where this power has been grossly abused, and the wife most unjustly excluded from her children; cases where she is innocent, or where the father is as bad or worse than herself; this is a valid and considerable objection; and these cases therefore we shall duly consider in their proper place, when we have done with this foolish and mischievous Bill. We shall then show, as far as our limits will permit us to enter on such an immensely intricate and important subject, the due remedy for all of them. But in any case let this be remembered well, that if you destroy a father's *sole* power over the children, you have no right to make him *solely* responsible for their conduct, solely bound to maintain them; as the law makes him at present, and regards this principle of the paternal power as the foundation of the social system. And this is a radical difficulty, which must be eradicated before any really just and effectual remedy can be applied in such cases. We request our readers so much the more to bear this in remembrance throughout the discussion of the whole subject, because, considered *a posteriori*, in a political point of view, it is the root of the whole



matter; just as the fact of the difference in the sexes lies at the root of it, when considered metaphysically and *a priori*, as we shall soon see.

We have said that by the abuse or neglect of the controlling power of exclusion given to him, a father of a family is sure to suffer the bitterest punishment. The law then that gives the controlling power, in contemplation of the punishment for the neglect of it, *intended* that it should be used. In other words, the law commands every father,—declares it his duty,—obliges him by the severest penalties,—to exclude from his children improper persons and objects, be they who or what they may; and by giving him the full power to do this, his duty, leaves him no excuse for neglecting it.

Now let us take the strongest cases where this power can ever be exercised; and we shall see that even in these cases where its exercise appears an act so harsh and cruel, even in these cases, where certain maudlin sentimentalists have not hesitated to say that it ought never to be exercised, it is still not only perfectly justifiable but necessary. Who can have a dearer interest and right to see a child than his own grandparents? But if the conduct of these grandparents were such as would demoralize the child, if the conduct even of a man's own father and mother, to whom naturally, as son, he owes the highest duty of love and reverence, were of such a nature, does any one doubt that it would be this man's duty not to let his children be demoralized, but rather than that, to exclude even his own father and mother from access to them? So again in the case, not of the child's own grandmother, but of its own mother,—of the father's wife. Does any one doubt, that if this wife were an habitual drunkard, or thief, or liar, a violent, extravagant, immoral woman, or one who strove to sow hatred in the children's minds against their own father\*, that it would

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\* People seem to forget that wives, ay, and wives of rank and fortune and fashion, may be and do all this and more too; and not unfrequently are and do so, and especially the last part of it:—although, to hear those who cry out against the tyranny and unreasonableness of the paternal law, and wish in fact to abolish it, (as if the very existence of its wholesome corrective power were altogether unnecessary,) one would suppose that a patent of nobility from an earthly sovereign was a patent of virtue from God himself, eternal, inviolable, unimpeachable! Foolish mouths! as our divine, virtue-loving, hypocrisy-hating Milton somewhere calls such imbeciles,—foolish mouths, that would be wiser than their Maker; who himself made and appointed, as the very foundation of all rational society, the supreme

be his duty to remove them out of such demoralizing influence? and this even in the case where the wife had not chosen to commit adultery, or to leave his house? Unquestionably every person of common sense would say, that so long as she persisted in these vicious ways, a father ought not to permit her to have access to demoralize the children.

Now if the law gives a man the power to exclude any one from his children, even those who are residing in his own house; and, where he has reason to believe that they will demoralize his children, commands him to do so; it gives him this power, and commands him to use it much more in the case where people are not residing in his house. Why? Because it is impossible for a man to know what is the daily conduct of people living out of his house; impossible for him, even if he did know it, to control that conduct; impossible for him to say, if they had the right of access, what effect that conduct might have upon his children's minds. That every father, worthy of the name, is most cautious to what places and persons he permits his child to go, is manifest; and, certainly, no one but a man fit for Bridewell or Bedlam would think of letting a person who was living out of his house and beyond his control, a person moreover of whose morality he has reason to entertain a very low opinion, become intimate with his children; much less if that person disagreed with himself about the education of children; least of all if that person hated him their father, had proved herself his most hateful enemy, had done everything in her power to vilify and ruin him, and who, if she could, would be willing at the first opportunity to carry away his children altogether. This is the very case where religion, morality, common sense, and the law, as it stands *at present*, expressly command a father to exclude a person from access. And yet this is the very case

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paternal law. However, to those servile admirers of fashion and wealth and title, who cannot believe it possible that high-born wives require any controlling power over them, that anything but what is, at all events, if not exactly virtuous, at least perfectly honourable and *comme il faut*, should be done by ladies of their station! any such horrid thing, for instance, as lying, immorality, hatred, or acts of gross violence, should be done by wives anywhere, but in places of what is called low life, e. g. in the vulgar city, or its eastern suburbs of Wapping and Spitalfields,—we recommend to these wise men of Gotham, *à se désorienter*, for once to go westward a little, and on the road to sit down for an hour or two in the National Gallery, and meditate upon Hogarth's Marriage à la Mode,



for which this preposterous Custody of Infants' Bill proposes to give a right of access !

For observe, that wherever the Bill would come into operation at all, it would be *solely* in those cases where the father has determined not to let his wife have access ; in those cases, therefore, where not merely disagreement, but the deepest exasperation and hatred in her mind most probably exist against him. Nevertheless, by the operation of this Bill, her he will be forced to admit, and not only her, but most likely other persons too, equally hating himself ; for that, on account of the peculiar position of the parties, any Judge of common sense would ever permit interviews to take place without the presence of witnesses, is not probable, nor indeed, under such circumstances of mutual exasperation, possible. So that in fact this Bill does ultimately not only destroy the father's educative power so far as the mother is concerned, but also so far as are concerned other indifferent people out of the family. These also will be appointed to have access, *i. e.* influence over the minds of his children, against the father's will and right !

If this Bill become law, no married man will be able to foretell what he will do the *next week* in his own house ! No ! if his wife should choose to oppose him in any important arrangement, and to say,—“ Well, if you do so and so, I will not live any longer with you. You know you have long ill-treated me. Openly, indeed, before strangers, you have pretended to have a great regard for me, but in secret you have shamefully oppressed me by your tyranny and ‘ moral torture.’ I can take my oath, and make an affidavit to all this ; and so can my friends to whom I have told it too. I will separate myself from you, and apply to a Judge for an order for access to my children. At all events you shall not exclude me from them. You have no charge of criminality against me ; my conduct has been decorous and good ; every one knows that it has been so ; and the Judge cannot refuse to make an order for my access to my own children. I wish to live with them, the dear little innocents ; but for them I should have left you long since, and ought to have done so. But I will bear it no longer. I will apply to a Judge, and get his order. Don't suppose because you are a tyrant husband that you shall deprive me of my *maternal rights* ! ”—If the wife were to say this and



to do it, as often and often to gain a point it would be said and done, what could the husband say or do? Why either he must submit humbly, though perhaps grumblingly, to her commands; or if he determined to resist, and to say to his wife, "You know you are telling a most wicked falsehood, for I have not in secret ill-treated you, and I am now only desiring what is reasonable and right; you may do what you please, but I shall do my duty as your husband, whom you have vowed at God's altar to obey;"—in twelve hours after he might find himself without his virtuous wife, and *the next week*, by virtue of a Judge's order, without his children too! Such will be the agreeable notices preliminary to a separation, and application for an order. And when this order is once made, the father will not be able to say what he will do in his house, not even the *next day*. He will not be able to say, At such an hour tomorrow my children shall be here or there, shall do this or that. He will not be able to foresee, to regulate, to arrange any thing respecting them. Peradventure, if it shall seem good to my lord Judge, the children at that very hour shall have some regulation made for them directly contrary to all his! and of the reasons of his decision, made in his own private chamber, the Judge is not bound to give the smallest account! By the power given to him in this Bill, he may, upon the application of a separated wife, order whatever arrangement he may please to have done with a man's children. This Bill, without making him omniscient and infallible, (nay, it will, by the very nature of its operation, both tempt and cause him frequently to err,) will make him, in the most important of all cases, at once omnipotent and irresponsible!! The whole Bill indeed, if it be framed on any principle at all, is framed on this, that a modern Judge is a being, like one of the three great judges of hell, unerring and incorruptible.—Will he not sometimes,—like that stern man of iron who "*Castigatque auditque dolos*,"—first by his order chastise the unfortunate husband, and then discover the deceits and false affidavits of the delinquent wife?

And here, after all this, the reader may perhaps, not impertinently to the subject, be tempted to ask, what then is the meaning and what the intention of that curious 5th Clause, which declares, "that this Act shall not be deemed to declare

or vary the law respecting the right to the custody of children, except as expressly herein enacted?" Now, unless the reader should possess the obtuseness of Mr. J. Hume, or the acuteness of Mr. D. Hume, so as to be able to comprehend how black can be white, or made to seem white, we fear we shall be unable to make him comprehend the morality of this strange phenomenon in legislation, this fifth clause of Mr. Serjeant Talfourd's *Custody of Infants' Bill*! The nature, however, of its logic we can explain to him. It is, in plain English, a mere humbug, or, to use a noble member's phrase, a most remarkable specimen of parliamentary thimble-rig-gery; and but for the insertion of the last saving words "except as expressly herein enacted," we should not have hesitated to call it a shameless lie. The truth is, that the whole Bill is itself a lie,—based on a lie, reasoning on a lie, and ending in a lie!

No, you good gullible fathers, you are not to be deprived of the custody of your children! only another man,—twelve, sixteen, eighteen other men, or any one of these eighteen, are to have the custody of them,—to have the full power to order, against your will or consent—which is not even to be asked for—to order a person, whom you may have reason to know is a very false and immoral one, and your worst enemy to boot, to have access to your children in your own house, or to have the children taken out of it,—when and where and in what manner, and for how long, this one of the great omnipotent eighteen may please! This is what is called leaving the custody of children to their fathers!—nay, and if you make the slightest opposition, you are to go into custody yourselves, and to remain there till your miserable lives end; or, to use Mr. Serjeant Talfourd's apt words—there to remain until you shall yield, or until you shall die—or until you do purge yourselves of the contempt of court by a cringing lie of submission, that you acknowledge it was very wrong of you to exert your paternal right, and exclude from access to your children a person who was trying to make them hate their father! This, Fathers of England, is what you will have to do; for nothing less will get you out of the contempt of court! This is what Mr. Serjeant Talfourd, your liberal representative, proposes you should do!—We trust that the contempt of the



people of England will cleave to the ground, and annihilate for ever such an audacious tyranny. What if it should cleave to the man who dared, for the first time in the history of our country, thus to attempt to violate the old liberty and house-right of Englishmen, by proposing to make such an immoral, unjust and tyrannical Bill as this the law of the land! We trust that all those fathers who may be the constituents of Mr. Serjeant Talfourd will not forget his good wishes and parliamentary intentions for the happiness of them and their families, at the next election. In the former and freer, though not so licentious times of Parliament as ours are, when good sense and national feeling, not whining sentimentality and party-jobbing was the custom of Parliament,—in that Parliament for instance in which such lawyers and legislators and patriots as Coke and Selden and Hampden sat and reasoned,—no member would have dared to introduce such a Bill as this of Mr. Serjeant Talfourd. We can imagine the outburst of astonishment and indignation, and bitter irony of scorn, that the very proposal of such an insidious measure would have called forth amongst those clear-headed and brave-hearted men! Such a Parliament as that was would not have been deluded, for an instant, by any exaggeration or sentimentality into the acceptance of such an unprincipled measure and man would have been alike resisted and contemned. And even in more modern times many a member has deservedly lost his seat for supporting a far less noxious measure, for committing a far less breach of his representative trust than this. If ever there was a legal fraud attempted to be palmed upon a people by act of parliament this is one; and from the grossness of the attempt we scruple not to say that it is as disgusting as it is immoral.

9. Because it tends to demoralize the domestics.

As the law stands at present, every one knows that a man has the indisputable right to be master of his own house. In the case, therefore, of any disturbance therein, the servants know whom to obey; but once give the power to some third person out of the house, to make dispositions according to his judgment and good pleasure, as this Bill does, and how shall the servants then know any longer whom to obey? To say that this third person being a Judge is an answer to



every objection (as the advocates of this Bill wish to persuade us), is wholly untenable; instead of making the matter better, it only makes it worse; for the higher and more weighty is the authority of a Judge, the more it would influence a servant to disobey his master:—e. gr. as we have before hinted, in compliance with the Judge's order a servant might be led to take a child to its mother against its father's will, or without his knowledge; and if then the mother were to carry it away, the servant did not steal it, was not guilty of felony, was not even guilty of any breach of trust! He was only obeying the order of the Judge, who himself, in making the order, is but acting in obedience to the Act of Parliament, which has established *practically* the new principle, that the father is no longer master in his own house!—Infinite will be the subversion of principle, and innumerable the domestic disturbances and feuds and treasons occasioned by this immoral Bill.

10. Because it tends to discourage marriage.

It was the policy of all the wisest states of antiquity to encourage marriage, and thus they were healthy and strong and fruitful: but now-a-days, on the contrary, the opposite doctrine seems to have taken its place, and the great bugbear of certain oeconomists is a surplus of population, whilst more than two-thirds of the habitable globe are yet uninhabited! But even amongst the higher and wealthier orders who can richly afford to marry, marriage, except where it is the means of adding to wealth and power, is not at present in very high esteem. When the novelty of the state is over, it is looked upon, too often, as something like an everlasting bore; and where daughters have no expectation of fortune, mothers complain that they have to wait by far too long for husbands. The fact is, the material disadvantages and burdens that fall upon a man by marriage are very often considerably greater than the advantages; and the chances of this against him, even before the union, are considerable. A man when he marries is sure only of one blessing, and that is, that however his wife may ultimately prove herself, at all events, if he has children by her, he will have the satisfaction, through the power secured to him at present by the law, of bringing them up as sons worthy of himself, as virtuous moral

beings. Else why should a man take the trouble to bind himself by an indissoluble bond, unless it were in this hope and with this assurance? He hopes and trusts that at some future day, when he is growing old and about to depart, his sons will repay all his care and kindness by their love and honour, and transmit his name unsullied to posterity. But if you take away the paternal right, what advantage has a legitimate father over the illegitimate? There will be another strong motive to men, should this Bill pass, to live in a state of concubinage, in which they are not tied any longer than their own inclination leads them; and how can any legislature propose to encourage such an immorality?

11. Because, finally, it tends to destroy the family.

This is manifest from what has gone before, and it leads directly to that branch of the subject which immediately follows, wherein we shall prove that this Bill is antichristian, i. e., destructive to the principles of the national religion of the very country for which it is enacted. But had time and space only permitted us to expose all the immorality of this Bill, to analyse all, or the greater part of its noxious effects, to make known even a few of the "*scènes de la vie privée*" that will result from it, we are certain that thousands would shudder at the consequences, who now look on calmly without the smallest opposition, whilst the cause of them, this immoral Bill, is being metamorphosed into law. A wise man who has regard for the safety and welfare of his children, acts otherwise. He endeavours to kill the venomous serpent whilst it is yet in the egg.

II. This Bill is antichristian.

1st. Because, in practice, it tends, as we have before shown, to encourage those heinous vices which are utterly destructive of Christianity, and to destroy which is one of the great objects of Christ's religion.

2nd. Because, in theory, it denies the truth of that fundamental principle upon which alone all Christian society has been established, or can exist.

He who would know what will be the effect of any new law upon society,—as every honest legislator before he gives his consent to one deems himself bound to do,—must first

know clearly how far it is in accordance with the fundamental principles upon which the old laws upon the same subject are based; for when a law regulative of the common relations of life has been long established in any nation, the whole mind of that nation becomes necessarily imbued and affected by it. It has become a part of the national mind.

Now the fundamental principles from which has sprung the main body of the laws relating to marriage in our own and every other country in Christendom, are contained in these two maxims of Christ and his apostle:—*1st.* That the man is the head of the woman, the husband the head of the wife; *2ndly.* That by virtue of the marriage union the parties become one.

From time immemorial in all the earliest and most authoritative ages that first maxim had been held as a sacred fundamental truth. Of late years however it has been much contested and denied, openly in France, more secretly in England\*; and the assumption which is directly contrary to it has been attempted to be set up in its stead, to wit, "That the two sexes are equal." Now whether Mr. Serjeant Talfourd and the other supporters of his Bill be at heart really of this opinion, and prefer to take *St. Simon* rather than *St. Paul* as their oracle in this matter, we know not; we can only judge of their principles by their words and deeds. But one thing we do know, for it is a self-evident axiom; that these two contrary assertions cannot both at once be true: and another thing also, we know, for it is a demonstrable certainty; that if the equality of the sexes be assumed as the fundamental principle, an entirely different system of legislation and society must necessarily spring from it: and thus also is equally certain, for it has been proved by experience; that this

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\* When we wrote this we had not yet seen the works which we have exposed in the P.S. to this article, nor indeed, lax as we knew public and private opinion to be on this subject, did we ever expect to see this doctrine openly advocated in England to such an extremity of its immoral consequences, and with such a bold disregard of all truth and decency. Convinced as we were of the truth of our prediction as to the consequences of this doctrine, little did we suppose that we should so soon see such a confirmation thereof. However, we now have it: and we say that when society is ripe and ready for such consequences as these, as by the admission of them in silence it would appear to be—well may we lift up our voice of reprobation against the falsehood of the unprinciple, which by the avowal of their own advocates these consequences are to spring from.



last doctrine, pushed to its furthest limit, as the St. Simonians tried to push it, must inevitably end in domestic anarchy, and the destruction of the family. Indeed Mr. Fourier, who, strange writer though he be, is yet a far more consistent logician than Mr. de St. Simon, openly avows his intention, as does Mr. Owen, to destroy the family as at present constituted. That Serjeant Talfourd has no wish to see such a radical change as that, we desire to believe; and are therefore only the more surprised that he should not see that the opinions he expressed in bringing forward and advocating this measure are utterly inconsistent, illogical, and absurd, except as coming from one who holds the doctrine of the equality of the sexes, which leads directly to this radical destruction. From that doctrine indeed this Bill, when dissected to the core, will be found to have sprung; and therefore, if that doctrine is, as we affirm with St. Paul, false, and consequently immoral and *Antichristian*, this Bill which embodies it, and proposes to make it the law of the land, must be equally so.

And here we are compelled to turn for a moment from Mr. Serjeant Talfourd's Bill to the speeches which he made in support of it; for by these alone can a fair judgment be formed of the opinions and intention of the framer. Now putting aside all the mere empty declamations and rhetorical flourishes of those speeches, the sum total of their arguments, whether made by open assertion or subtle insinuation, so far as they are of any avail to support his Bill, are reducible to these two:

1. That a mother living apart from her husband has still, in all cases, a *prima facie* right to have access to her children.
2. That the two sexes are equal.

That Serjeant Talfourd holds that first unprinciple is manifest from this: that he proposed and strenuously attempted to get even for *convicted* adulteresses\* the *prima facie* right to de-

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\* It is pretty plain, from Serjeant's Talfourd's deliberate avowal of his own principles in Parliament, that had this Bill, in its original state, become law, and he had been a Judge, and any separated wife, even though a *convicted* adulteress, had applied to him for access, he would not have been very loath to grant to her—virtuous and innocent mother!—an order for the enjoyment of her *prima facie* right of access to her children! which his own Bill had for the first time recognized. Nay, and if the husband had refused to submit to let the adulteress, who had so infamously injured him, their father, have access to contaminate his children, if he had refused to obey the iniquitous order of Mr. Justice Talfourd, he would have

mand access to their children,—although adultery be held the extreme crime that a woman, *quoad* wife, can commit against her family and society,—that crime, for the commission of which, by the law of God and man, she has been ever held to forfeit, *ipso facto*, her maternal rights. Nevertheless, in his Bill, Mr. Serjeant Talfourd persisted in giving to her the same right of access as to all other mothers. As if the right were indefeasible, and all mothers, no matter what may be their conduct, possess it! as if it was something inherent to the state of a mother, and all mothers had an equal right to it! as if it could not be lost by a violation of duty;—in short, as if it were a right indefeasible! Now, this doctrine we hold to be most perniciously false: and withal, it is directly Anti-Christian; directly contrary to all that the Christian Scriptures have laid down as the gospel with respect to right and duty, which in them are always connected together inseparably. So also has the old common law of England rightly held; for according to that law no right is indefeasible; no right is presumed to exist without some corresponding duty for which it is granted; every right implies duty, precedent or consequent; and any right, therefore, by the commission of crime, may be forfeited.

Thus a father who has committed a felony, by which he is doomed to transportation or imprisonment for life, loses *ipso facto* all his paternal rights, and amongst them his right of access to his children; and this, perhaps, although in so far as they are concerned, he may have been the kindest and tenderest of fathers, and up to that time performed all his duties to them faithfully. But the law can know nothing of his private conduct, except so far as it has become amenable to the law; and although, therefore, he has not even violated his paternal duty, (except so far as his committing the felony is indirectly a violation of it), still he loses his paternal right;—nay, even

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been in a contempt of Court, and must go for life (for he would never submit) to prison! God defend that ever a Judge holding such principles should sit on the bench of justice in England, or that the lives and liberties of English fathers should be at the mercy of his secret irresponsible dictum! If Judge Talfourd would not exclude even *convicted* adulteresses, it is clear that all other women would have been admitted to access, wholesale, just as his copartner in the Bill, the authoress of the pamphlet at the head of our article, argues that they ought to be! ay, even *adulteresses themselves, if not convicted!*



although the moment after he should have committed the felony, he should feel and express the deepest repentance. Although he repents, repents sincerely, still he has not, until the expiation of his crime, by undergoing the appointed punishment, (and in certain cases this punishment is life-long,) any right of access to his children, much less a right to demand it! And this, though it appears harsh, and not a punishment *in kind* proportioned to the offence committed, is yet most just; for the law not being omniscient, is obliged necessarily to assume certain immoral acts as *final* tests: so that these immoral acts, these violations of duty having once been done, certain punishments or deprivation of rights must follow. And amongst these, in very many cases, is the deprivation of parental rights; inasmuch as the law will not permit the children of the state to be demoralized by access to such an immoral parent.

So again with respect to mothers. The law has considered certain acts done by them as tantamount to a dereliction of their conjugal and maternal duties, (which the law rightly regards as duties conjoint,) and consequently tantamount to a forfeiture of the conjugal and maternal rights, e. g. the act of adultery. And though by this criminal act the father is the chief sufferer, though the mother in other respects may have been ever so kind to her children, still she justly loses her right of access to them; for by committing that crime, she forfeits her right to remain any longer in her *husband's* house; and therefore, by having forfeited *that*, she forfeits also her right of access to his children. So again where she chooses to desert her husband's house, the sphere of her duty, she forfeits, for the same reason, *ipso facto*, her maternal right. And of this forfeiture we will here merely say this in passing; that if the law could have in such a case selected any *final* test at all, none could have been so properly taken as the certain, open, palpable, undeniable fact of desertion; for adultery, until legally proved, is, in many cases, a crime neither palpable nor *public*, and therefore in that respect not so demoralizing to the *public* mind as desertion. Adultery is committed in secret, is difficult to prove, and may be denied; but desertion, until it has been clearly and legally proved justifiable,—and it can only be legally proved so by a decision of a court



of law, that the wife was justified in leaving the house of her husband,—the desertion of a mother is *prima facie* in all cases, an open, public, and complete violation of all her maternal duty; and, *ipso facto*, therefore, the maternal right in the eye of the law does cease and ought to cease.

But all this, as to the alienability of the maternal right by the dereliction of a mother's conjugal duty, will be seen more clearly by a reference to what we have already stated, in our exposure of the effects of Serjeant Talfourd's Bill, as to the abduction of children. We have there said that the law does not make the abduction of a father's children by the mother a felony. But why is this? Not because she is *their mother*, or, as such, has the same equal right to them as he, the father, has; but because she is the father's *wife*: just as the law does not make other crimes committed by her against him felonies, (e. g. the robbery of his goods,) for the very same reason, because she is his *wife*. For abduction is a species of robbery, and to constitute a robbery there must be two parties; whereas, in this case, there is legally but one; for husband and wife are, in the eye of the law, one. But suppose that this mother should have been parted by a plenary divorce from her husband, and thus have ceased altogether to be his wife; if she were then to rob him of his goods, or of his children, does any one doubt that it would be a felony, even although she be the children's *own mother*? This case at once educes the principle of the law in relation to the sexes, and places it in its true light.

We have deemed it necessary to elucidate the *reason* of what we have before stated to be the *facts* of the law in this matter, because it might else, to many persons, appear, that by permitting a woman to do certain acts with impunity, amongst the rest this of abduction, the law admits that she has a right, *quoad* mother, to do that act; "that the rights of the parents are co-equal;"\* that she has as much right *naturally* (to use the language of the sophistical defenders of this Bill) to keep the children with her, as the father has to keep them with him. And it is so much the more necessary that this fallacy should have been exposed and refuted, as it here is, (and, by

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\* From the pamphlet at the head of our article.

this clear illustration, we believe for the first time,) because not only such sophists as the authoress of the pamphlet we have before alluded to, but even many honest, though inconsistent reasoners,—from a want of consideration of the inseparable connection of duty and of right, and the *due subordination*, decreed by God himself, of the wife to her husband, who is her *head*, and through whom alone she receives any *right* of command that she may have over her children,—have been deluded by this fallacy. The truth is, that the law holds that the possession of children does, *of right*, belong to the father, and not to the mother; otherwise it could never, consistently with justice and right, give to him the power of excluding her, or make it a felony for a divorced wife to abduct her own children.

In all this the law of the land is in entire accordance with God's law and the doctrines of Scripture. It is plain then, that in asserting that every mother, even though she were an adulteress, had a *prima facie* right of access to her children, Serjeant Talfourd asserted an unprinciple which is directly antichristian.

That Serjeant Talfourd holds that second unprinciple of the equality of the sexes is evident, if we believe his own speeches. In these he declaimed earnestly against the "tyranny that one sex has exerted over the helplessness of the other;" that the present law, which gives the power over the children to the father, was "an engine of moral *torture* playing on the finest nerves of *agony*"—(There is a delectable specimen of rhetoric for you, excellent Longinus!);—that "it was ever in the background of domestic tyranny, and was felt by those who suffered in silence;" that the "stern power with which the law arms the husband" was "a hideous injustice;" that it was founded upon an "artificial process of reasoning;" that "when he considered what *natural justice* required, he "was ashamed of the slender palliative which he proposed;" and "he prayed them to assimilate the laws of the country to the laws of nature."

Now if, as Mr. Serjeant Talfourd here declaims, the law is unjust and tyrannical against women, this tyrannical injustice must be, either that it has given to their husbands power over them at all, or that it has given to them too much.



If Serjeant Talfourd wishes to prove that it is morally unjust that women should be at all subject to men, as the unlimited declamations about the "tyranny that one sex has exerted over the helplessness of the other," if they mean to assert anything, do assert, he must first prove that the sexes are equal: for it is clear that, if they are not equal, they ought not to have equal power given to them. The inferior ought to be subjected to the superior. It is clear, according to every idea of the justice of an all-wise Creator, that if He intended to give to two different beings equal power, He would have given to them an equal degree of mental capacity, rightly to direct this power. Has He then given an equal degree of mental capacity to men and women? Can Serjeant Talfourd, or any of the supporters of his Bill, prove that? No: reason and fact alike disprove it.

But if any one should still contend that women in general have the same degree of mental capacity as men, we ask him to show to us a single instance of a woman possessing first-rate mental power in any of the numerous branches of science or art? Let him look through the history of all nations from the beginning of the world, and then tell us if out of all the female sex a single Moses, Homer, Lycurgus, Æschylus, Plato, Aristotle, Archimedes, Phidias, Demosthenes, Cicero, Virgil, Dante, Michael Angelo, Raphael, Kepler, Galileo, Cervantes, Bacon, Shakspeare, Milton, Descartes, Spinoza, Leibnitz, Newton, or Handel can be found!—In short can he produce one single specimen of any of the great original creations of genius which was done by a woman? If such cannot be produced,—nor even female productions which can equal those of hundreds of other men, the inventors and improvers of the arts of civilization whom we could name, but who yet, most of them, are far inferior to those illustrious few,—how can any one honestly assert that woman is equal in mental capacity to man?

But again, let us only look back into God's great book of the history of the world, containing for us, as it does, the revelations of his supreme will and moral government, and we shall see what was the most ancient and sacred creed of humanity on this point, as found in its earliest and most authentic traditions, *θεοπαράδοτοις λόγοις*, *consensu gentium* the universal



traditions of mankind. Moses, who one may say, without a libel, was a more venerable historian, a diviner poet and orator, a greater lawgiver,—in a word, a higher authority than Serjeant Talfourd or any of his colleagues now in Parliament either are or ever will be,—Moses, who was learned in all the recondite lore of the most cultivated of the eastern nations,—Moses, who, with the exception of one Person, is for us, in a certain sense, the first and last representative, the most *authoritative* and final impersonation of all the wisdom of the East before it left the coast of Asia, as the great tide of the civilization of humanity flowed onwards to the West,—Moses, who had stood upon the mount of vision and looked eastward, and beheld the light at its dawn, and conversed in spirit with the Great Father of all Spirits,—Moses, that man of God, who now to this very day, more than 3000 years after his bodily death, possesses, in a vast portion of the East, greater fame and *authority* than any man still alive;—Moses has declared, what was the old and true faith on this transcendental point of doctrine. And this is his declaration:—"That God made woman of the man, and to be a helpmeet for man;" and that upon the occasion of sin (i. e. of disobedience and disunion and discord) entering into the world, God commanded the man ever afterwards to rule over the woman,—for before, being innocent, they were a law to themselves,—and the woman to be subject to the man. And therefore, upon this, as a fundamental principle, the grand lawgiver proceeded to build up the whole of his social system. That system of legislation, considered as to place and time, and all the other circumstances of the people it was made for, as also in regard to the peculiar final object for which it was made, is one of the most marvellous creations of the human mind *divine* that the world has ever beheld. But throughout the whole of that Mosaic code not a single regulation is to be found that tends to make woman independent of, much less equal to, man. Moses was not so absurd or so dishonest, as to introduce a by-law to destroy, in an insidious manner, the very foundation of all his laws, the fundamental principle itself of his whole system! To that principle he remained ever consistent.

So also did his successors, the Jewish prophets,—those

extraordinary revealers of the truth of God, whose object was to maintain and develope, in all its purity and integrity, the Holy Law.

But should any one demur to these authorities, (though Christ, a still greater one, has said, "If they hear not Moses and the prophets, neither will they be persuaded though one rose from the dead;" and he himself cites as an *authority* the very chapter of the book of Genesis in which Moses has declared his principle,) should any one sophistically say that these men were Jews, and no longer therefore of any authority in matters of legislation to us—(though we say, that if Moses has spoken the truth in this matter, that he *is* an authority, and from his very antiquity, being nearer to the source of historic traditions, a much greater one on such a matter than any man now can be;—we say that truth is truth all the world over, be it old or new, written by Jew or Gentile, and that it ought to have as much force now, or 3000 years hence, as it had 3000 years ago);—but should they still refuse to hear Moses, because in merely circumstantial, local, and accidental points his law made for Jews is no longer binding upon Englishmen and Christians,—let us hear then what the great apostle of Christianity says on this head.

Paul, that profound logician, if ever there was one, who deserved indeed pre-eminently to be styled *Ἀπόστολος τοῦ Λόγου*, (as whoever has meditatively read,—read through and through, as a whole, his wonderful Epistle to the Romans, will fully assent to our assertion,) Paul goes still further than Moses, i. e. he expounds the doctrine still more explicitly, for implicitly it is all contained in the record of Moses.

Moses, writing as an historian and legislator, announces the truth simply as a positive *fact*: Paul, as a metaphysician, first postulates it as a self-affirmed, indisputable, ontological *principle*, and then proceeds, as a consummate dialectician, to reason upon it, and to show the reason of its consequences. "For Adam," he says, "was made first, and then Eve;" "the man is not of the woman, but the woman of the man." "Neither was the man created *for* the woman, but the woman *for* the man." Now what is all this but in other words to assert, that originally, *psychologically*, metaphysically, the man is both prior and superior to the woman? As in the same



chapter he says, "Man is the image and glory of God, but the woman is the glory of the man."—"The head of the woman is the man," (she is not his head) "but the head of every man is Christ," the divine *Λόγος*; "and the head of Christ is God." (1 Cor. c. xi.) And in another place he touches upon the very point in question, viz. whether the two sexes have been endowed by the Creator with the same mental capacity, and denies it. "For Adam," (i. e. the primal man,—the symbolic prototype of all his future race,) "Adam was not deceived, but the woman being deceived was in the transgression." (1 Tim. c. ii.)

And what is the rational and practical consequence of these speculative doctrines? what else but this,—that the woman *ought to be*, that it is morally just and fit that she should be, subject to the man? "Neither was the man created for the woman, but the woman for the man. For this cause," &c. (1 Cor. c. xi.) So again, in chap. xiv of the same Epistle, where he connects this doctrine of the subjection of women as an immediate consequence with the idea of God, as "the author, not of confusion, but of peace;" for in the very next verse he adds, "*women are commanded to be under obedience*, as also saith the law." And again, to return to the chapter (1 Tim. c. ii.) before cited:—"But I suffer not a woman to teach *nor to usurp authority* over the man, but to be in silence\*; for "Adam was first formed, and then Eve."—"Let the woman learn in silence with all subjection."

If then woman in general was to be subject, *à fortiori* therefore, a wife; for the husband is, in a peculiar manner, "the head of the wife, even as Christ is the head of the Church, and he is the saviour of the body:" for "she shall be saved in child-bearing," i. e. in bearing another moral being, another co-heir and younger brother of Christ, another free man and dear Son of God, another worker together with him in his great work of the salvation of mankind, of the regeneration of the universe. This heir and fellow-worker of salvation she bears, and so is herself saved, by performing

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\* How far this may suit the taste and spirit of the female Parliamentarians and emancipators of the present day, they best know; but whether or not, it is not our fault. There it stands in the Bible, and the words are those of Paul.



her part as mother\* in the great regeneration; and all this she receives by God's will through her husband, her head, the young Christian's father!

For these reasons, therefore, wives are considered by the apostle as bound by a peculiar obligation to be subject to their husbands. "Wives," saith he, "submit yourselves unto your husbands as unto the Lord." Indeed, there is hardly an Epistle where he has to speak of social duties, in which he does not take the opportunity of impressing and enforcing on his hearers this important doctrine. And, as if foreseeing, that in the after days, amongst the other anti-social and anti-Christian doctrines, this very one of the equality of the sexes would be propagated by "many unruly and vain talkers and deceivers, whose mouths must be stopped, *who subvert whole houses,*" he writes to Titus, his friend and spiritual son, (who as bishop and teacher of the church elect, was appointed by him to stand up in his place when he was gone, to defend the great fundamental doctrines of the Logical Truth against all impugnors): "But speak thou the things which become *sound doctrine,*"—just the contrary doctrine, be it observed, of our new parliamentary apostles,—"that they (the aged women,) teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, *keepers at home,* good, *obedient to their husbands,* that the word of God be not blasphemed:" as if in the judgment of the Apostle non-obedience to their husbands were a kind of blasphemy against God who by his law has commanded it. How much more then is an open and

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\* If this doctrine seem strange and new to any one, as possibly it may, we recommend him henceforth to read his Bible with more care and devout attention, and with less slavishness and bibliolatry. The divine wisdom of God revealed by Moses and Paul is not to be made waste paper of to suit the servile sluggishness of people who choose afterwards to let themselves be deceived out of the rights and dignity of their manhood and womanhood by teachers who deny both in word and deed the truth of God's word, when they advocate the equality of the sexes. We understand that with certain ladies Moses and Paul, on account of the doctrine they hold as to the inferiority of the female sex, are no favourites. The more's the pity. It was said somewhere by that deep-thinking and deep-feeling poet and metaphysician S. T. Coleridge, that no man ever truly loved his sister who did not believe in the difference of souls in the two sexes; and remembering what we have just written above with respect to the peculiar elevation in the sphere of moral being, that a woman obtains by her husband, we may add, with equal truth, no wife ever truly (i. e. in all the perfect truth of love,) loved her husband, who did not believe and rejoice that he was her superior and head.

practical denial of it by perverse and rebellious murmurings against the very truth and justice of the law itself!

For this is no obscure point of doctrine which can be disputed; it is a great, practical, and most important truth,—the basis of all other truths relating to Christian society. What interest could St. Paul have, himself a man unmarried, so earnestly to assert this doctrine? What could have made him do it, except his conviction and profound knowledge of its truth and immense importance? But not only Paul the unmarried apostle, but Simon who was married,—(not indeed that Simon Magus who “taught things he ought not for filthy lucre’s sake,” nor that Magus Gallicus of whom we before spoke, and whose disciples are now in Egypt, preaching the emancipation of women, practically,)—but Simon Peter, the fellow-apostle of Paul, though in other things he might sometimes disagree with him, was unanimous as to this doctrine,—that Christian wives ought to be in subjection to their husbands; nay, and even if the husbands were unreasonable men or infidels\*. “Likewise, ye wives, be in subjection to your own husbands; that if any obey not the word, they also may, without the word, be won by the conversation of the wives.” 1 Pet. c. iii. Indeed throughout the whole of the Scriptures this is set forth as an original, fundamental, certain truth,—that the woman is inferior to the man; or, to use St. Peter’s expression, “the weaker vessel,” a vessel of less intellectual capacity than the man. And therefore the husband is never commanded nor expected to obey the wife, no more than Christ does the church, of which he is the head, but only to love and honour her; and the wife, on the contrary, is to obey him in all things where obedience is not a moral crime.

Such then is the unanimous doctrine on this subject, of all antiquity, and of the whole Christian church, and as we have

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\* *ἵνα καὶ εἰ τινες ἀπειθοῦσι τῷ λόγῳ*: where *ἀπειθεῖν*, as Schleusner observes accurately, may either signify to *disbelieve* or to *disobey*. This passage agrees entirely with that of St. Paul, in his First Epistle to the Corinthians, where he says that even on account of unbelief (*ἀπιστία*) a wife ought not to desert or refuse to obey her husband. And these passages clearly show what was the judgment of the founders of Christianity as to the duty of a wife, even when the husband was greatly in the wrong; viz. not that the wife was to obey him if he should command her to do wrong, but that she should not therefore throw off her allegiance to him, nor leave his house immediately, nor cease to obey his commands when he was in the right.



seen before, of our own venerable common law of England.—Is it fit, is it right, is it decent, for a lawyer and a Christian legislator to vilify the law for upholding this doctrine?

But not only those great authorities of old, but all the greatest intellects and noblest thinkers of modern times have asserted its truth,—of whom we shall here cite but one, because his judgment on such a matter is of so much higher worth, coming as it does from the most illustrious defender of progressive liberty—the liberty of both sexes—that England has ever yet produced. Milton in his inspired poem, describing the original human pair, argues, as also does Shakspeare in more than one passage, from the very conformation of their bodies, the superiority of the one to the other:

“ though both  
Not equal, as their sex not equal seem'd.”

And in his immortal work, “The Doctrine and Discipline of Divorce,”—a work, which we fear not to say, for its high and pure thoughts, for its Demosthenic *δεινότης* of language, and for the depth of its views on the relation of the sexes, is unsurpassed in our own or any tongue,—a work worthy of the greatest regard, though it has met with the least appreciation,—“Who can be ignorant that woman was created for man, “and not man for woman; and that a husband may be injured as insufferably in marriage as a wife? What an injury is it after wedlock not to be beloved! What to be slighted! What to be contended with in point of house-rule, who shall be head!”

Such is the judgment of these great authorities, which before any supporter of the equality of the sexes can overthrow, he must first prove false; and which we are certain it will take a far profounder metaphysician and sounder reasoner than any man now in England to do.

If it be asked, why do we refer on this subject to authorities?—we answer, Not because we could not have well defended our opinion in another way by an appeal to reason; but, because, on account of the space to which in this article we are limited, it is impossible for us to take any other line of argument to convince our readers. There are but two ways of convincing any one of the truth of a doctrine. Either you must prove to him its certain reality, by



unveiling to his eye its metaphysical groundwork, by showing to him the fundamental *reason* and *necessity* of its reality—which, in most cases, especially in such a one as the present, can only be done by a deep and subtle “discourse of reason,”—so as to enable him at last to look inwards and contemplate the developement of that which, after all, is but a fact of his own intuition; or else you must refer him to the writings of others, who have asserted the truth of the doctrine in question, and whom he, your opponent, acknowledges to believe and assent to as a sacred authority: for then by a careful study of their words he will in all probability arrive at a comprehension of their reasons, and be rationally convinced. Therefore it is, that having now to discuss with persons calling themselves Christians, we refer to the Christian Scriptures. Had we been discussing the question with heathens, we should, as Paul and Justin Martyr did, when they discussed with heathens, have referred to their scriptures; and even from them, so unanimous were all the earlier ages upon this point, even from the wisest and most authoritative of heathen authors, we could have convinced our heathen opponents of the truth of the same doctrine.

For ourselves personally, we are persuaded, from an examination of their writings, that the great writers whom we have taken for our authorities in this case had sounded all the depths of the subject, and based their assertion of this doctrine upon high, *à priori*, metaphysical reasons; upon knowledge of *divine* inspiration; that, in a word, they had well tried, and *knew* the truth of what they asserted. And, therefore, it is, after long and most earnest meditations on this subject, that being ourselves convinced of the same truth, we accept them as authority. For our motto in this, as in all other subjects of speculation, is the maxim of St. Paul, to “prove all things, and hold fast that which is true and good;” according to the command of Christ to his disciples, to call no man master, to be *nullius addicti jurare in verba magistri*, except indeed to the truth of the words of the divine Word himself, τοῦ Λόγου—the eternal Reason of God. And thus then having examined to the best of our ability, and proved this doctrine to the satisfaction of our own conscience, we are convinced of its truth. This is the sole reason

why we here assert it. If we had not been convinced of it, we should never have taken the trouble to do so, nor have opposed Serjeant Talfourd's Bill and speeches, or any of those other writings in which the contrary of it is asserted.

But though we cannot here enter into the metaphysical reasons why the one sex is and must be, in such a world as ours, inferior to the other, we recommend the knight-errants of the doctrine of the sexual equality to consider well all those physical reasons why women ought to be subject, which Rousseau, one of the most passionate and eloquent defenders of the sex, has observed in his *Emile*. The different constitution of the sexes, is a fact, like that of the sun and moon, or any other fact of the universe. It is a fact originated and done by God himself, the author of all justice; and if his divine law did not make them equal, neither *ought* the law of man to do so. If women by the divine law were commanded to be subject, it is no injustice, but the truest justice, that the law of England makes them so. We go further, and say, that if God's law has decreed that women should be subject to men, as those who appeal to the force of reason and Scripture cannot deny, then it is a good thing for women, it is for their own benefit, that they are subject; and he who would wish to alter God's law would do them an injury.

Why then does Serjeant Talfourd complain that the law has not made women equal to men? He might as well complain that God's law has not made men equal to angels! To what good does he now come forward to make his general declamations about the tyranny of one sex being subjected by law to the other? What effect can such declamations have but to delude all those who cannot see their fallacy,—to make women discontented and unhappy,—to make them believe that when they swore in their marriage vow to obey, they swore to uphold a tyranny,—to make them regard a husband, whenever he may be called to exert his marital power, however reasonably, as a cruel tyrant, who has oppressed them by the power of the law, and against whom they have a right to revolt? When they hear a man of acknowledged good character, a professing Christian, a lawyer, a legislator, speaking *ex cathedra*, in his place in Parliament, that the old paternal Christian law is a "hideous injustice," that if he could he



would reverse it, and staking his authority and the reputation of his judgment upon this his opinion;—can one wonder that these same anti-social doctrines should be proclaimed elsewhere? Such sentimental exaggerations may serve the turn of a politician *ad vulgus captandum*, to get popularity for his gallantry and his sympathy with women. Silly people and political dandies may admire and cheer him on for his *soi-disant* defence of women\*: but we say that women are very little indebted to any man who would wish to defend them by a falsehood, to displace them out of the natural sphere in which God has placed them, by mere flattering sophistries based on a fundamental lie†.

But if Serjeant Talfourd shifts his ground, and says that he did not mean to say that women are unjustly treated because the law has given their husbands some power over them, but only because it has given them too much,—we meet him on this ground: we deny that the marital power over women, as granted by the present law of England, is excessive.

We presume that Serjeant Talfourd will not deny, if the husband is to have power at all over his wife, he must have such a power as to enforce her obedience. Now that the power he at present possesses by law is too much for that purpose, no one will assert. Hundreds and thousands of husbands, many of them reasonable and virtuous and honourable men, some of them members of the Long Robe, will be very much obliged, we have no doubt, to the learned Serjeant, if he can inform them of any means by which they can enforce obedience and order in their domestic circle. The fact is, that so far from giving the husband an excessive power over his wife, the law, as it stands at present, does not give him a sufficient one; the marital power he has at present is not adequate to the responsibility imposed upon him. If the law

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\* Serjeant Talfourd's speeches, in which he uttered these opinions, in which he expressed a wish that he could take away the rights of English fathers altogether to the custody of their children, as soon as they were born,—speeches in which he advocated the *prima facie* right of all women, even of *convicted* adulteresses, to have access to their husband's children, and that they ought to have his Bill specially framed to give them this access—these speeches were received by an English House of Commons with *cheers*!

† We use this word in the sense in which Lord Bacon and other great writers of our language constantly use it.



at present be in general unjust towards either party, it is so to the husband, because it makes him responsible for the conduct of his wife, without the power to control it\*. We challenge Serjeant Talfourd to show any effectual means at present possessed by a husband to control an unreasonable wife, unless it be the one which he now proposes to take away from him.

He will say, perhaps, that kindness and good advice, on the part of the husband, is sufficient to insure the performance of her duty by the wife. So no doubt it is where the wife is virtuous and reasonable; because such wives are actuated by a religious principle, which teaches them to obey their husbands, and not to consider, as some would make them, that reasonable obedience is slavery. But for virtuous and reasonable persons law is not wanted at all. They do their duty from a principle of willing love, and need not the compulsion of law. Acting willingly in conformity to the reason and will of God, they become a law to themselves. But, unhappily, the majority of people do not will and act in this way, but require to be kept in order by law; and if they are to be kept in order at all, there must be an effectual power of law over them to do it. We have known many cases where all kindness and liberality and honourable treatment and good advice have utterly failed to have any effect upon wives. In these cases it is absolutely necessary to employ the marital power to prevent the ruin of the unreasonable woman herself, and of all her family. And what power has the husband but this one?

Did our limits permit us, we could show in detail, how, in general, a husband has no other available power to control his wife but this power over the children. But without entering further into this part of the subject, we may say in general that we hold with Blackstone†, that the English law is peculiarly favourable to women, and especially to married

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\* This injustice has arisen, not as the consequence of the original principles of the common law, but through the infringement of those principles by subsequent statutes, which have made women, more or less, independent of their husbands.

† The objections of his commentator, Mr. Christian, who dissents from this opinion, may all be shown to have arisen from Mr. Christian not having duly considered the original superiority of the one sex to the other, and the proper domestic functions of women in the social system.

women. The very fact of a woman's freedom from arrest during the coverture, is an immense privilege, such as women in many other countries do not possess; and we have heard foreign ladies express their astonishment at the existence of such a law. This privilege enables a wife to do a multitude of actions, many of them injurious to her husband; and, in numerous cases, places the husband entirely, with all his family, at the mercy of a spiteful wife.

But this privilege, it seems, is not sufficient; nor that the wife, even though she should commit adultery, should still enjoy her jointure, if she be only declared in the marriage settlement absolutely entitled to it\*. Serjeant Talfourd, it seems, would wish to make wives still more independent of their husbands. A wife, at this moment, may get her husband imprisoned for her scandalous extravagance, whilst she herself goes free. But now, by Serjeant Talfourd's Bill, she will have another plea to get her husband imprisoned—by getting him into a contempt of court, and so imprisoned for life!

The law, we repeat, making as it does the husband responsible for the wife, does not give him power enough, and a very bad thing we believe it to be on the whole for wives that it is so. We have known such cases of the demoralization and ruin of women as could never have taken place had they not been made materially independent of their husbands†.

For ourselves we are desirous to give to women every possible honour and privilege. Would to God that virtuous wives, and mothers, and virgins, were honoured more than they are,—that they were honoured as they ought to be! Glad

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\* "If, as usual, by the terms of the marriage settlement the wife is to be *absolutely* entitled to jointure, she does not forfeit it by adultery." Chitty, Practice of the Law, Pt. I., p. 59. Whereunto the learned writer has appended a very curious note.

† Does any one wish to know what would be the practical effect of placing the child in the custody of the mother for seven years? It would be this; that the husband would be completely in the power of the wife, and that separations would increase to an enormous extent. We have known cases where even the belief in the existence of this right, on the occasion of a conjugal quarrel, determined the wife to separate. We know one case in particular, where a wife, against the advice of her husband and all his friends, and of the most and best of her own, ran away from her husband; and the main motive that decided her to do so was, that her mother, who was a very wicked woman, persuaded her that she had, by law, a right to keep the children up to the age of seven years; which, in this particular case, had she really possessed, she would have been able to extort money from her husband.



we should be to see those personages, in the higher ranks of society, who, by their countenance, are able so much to influence the tone of public morality, ever resolved to make it a rule to show their favour only to the moral and the virtuous. Glad we should be to see the *spirit* restored of those ordinances of the olden times, when public honours were awarded to illustrious examples of private virtue: for, next to that due to God, the all-Pure and Beautiful, we know of no honour, no love too great to give to a virtuous and truly noble woman.

But though we would have all women *prima facie* honoured,—all women honoured, until by their conduct they had proved themselves unworthy of the honour,—all women who had proved themselves virtuous, to be in an especial manner honoured;—we are not prepared to give to all women, good, bad and indifferent, a *prima facie* right to demand a reward for deserting their husbands' house,—the sphere of their duties;—we are not prepared, nor desirous, especially in the present immoral state of society, to see placed in their hands irresponsible power—to see them made entirely independent of their husbands—as this Bill would tend to make them. Mr. Serjeant Talfourd, like a clever advocate, professed in his speeches only to make this general law for the virtuous and ill-treated; but how much truth there was in his assertion, we shall leave them and all our readers to judge, when they remember that he did all he could to get the same privileges given to convicted adulteresses! He would wish to claim the honour of having virtuous women for his clients; if so, we must say he has taken a very delicate way to defend their interests. Well might virtuous ladies, when they hear of such a Bill, exclaim with the old Spanish knight, “De mios amigos guarde mi Dios, de mios inimigos mi guardare yo.” But, indeed, there is about as much truth in this as in that other assertion of Mr. Serjeant Talfourd, when he declared again and again, that he did not mean to alter the old common law! nay, and upon bringing up the report of his Bill, repeated that the *strong ground* on which he sought to rest his Bill, was that it sought not to interfere with the common-law right of a father to the custody of his child.

After these assertions, coupled with the facts themselves,



what confidence any constituency can hereafter place in his words, we know not. But certainly his claim cannot be admitted to be the advocate, by this Bill, of virtuous women. His Bill, as it stood originally, according to his intention, placed the good and the bad, the delinquent and the duteous, the base and the honourable, *prima facie*, all on the same level; and this is the most shameful insult that can be offered to a noble wife; an immorality which deserves to receive the scorn of every man of sense, and every woman of virtue in the country.

If Mr. Serjeant Talfourd is so eager to be not only the redresser of wrongs, but to revile and destroy the old law in order to redress them, why does he not take up the cause of bastards, male and female? Surely they are a much more respectable class of society, much more respectable clients, than runaway wives and convicted adulteresses! for the one class is innocent, and the other guilty. Surely bastard children, deprived as they are, by no fault of theirs, of their filial rights, are quite as much deserving of a legislator's attention as delinquent wives, who, by their own desertion, have deprived themselves of their maternal rights. Moreover, that first class is far more numerous than the second. Mothers are not often excluded from their children. Serjeant Talfourd could only get legal evidence of six cases in the records of hundreds of years; whereas bastards are daily deprived of their rights, and any one might find hundreds of cases in one year. However, it seems it is more fashionable now-a-days to express a sympathy for delinquent wives than for innocent bastards; for unnatural mothers than for natural children. Adultery, when undiscovered, is a cheap pleasure\*; whereas bastardy is always a dear one.

It is in vain then that Serjeant Talfourd would attempt to claim the merit of gallantry for his Bill. His own defence of the maternal rights of adulteresses is a sufficient answer to all he can say. Equally vain would it be for him to deny that he has advocated the doctrine of the equality of the

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\* And therefore it is, we presume, that M. de Balzac, in one of those works which are imported weekly with the other Parisian fashions for the use of London ladies, recommends a man to intrigue especially with the wife of a banker, who, from the influence of her husband's money, is always, as he says, "*comme il faut*."

sexes. He may wish to shift his ground, but the truth is he cannot do it. He may wish to have recourse to shifts, but it is to no purpose. For what Serjeant Talfourd's views are, must be judged from what he said; and what he said was this,—“that he should rejoice if he could effect the “transfer of the right of custody of children in their earliest “infancy, especially of female children, from the father to the “mother.” In other words, that he should rejoice to destroy the paternal power, to rob the father of his right over his children from the moment of their birth up to a time,—which this honest legislator has left unspecified, indefinite. We thank this gentleman for that word; now we know what are his principles and what his intentions.

The mother, according to him, has not only as much, but more right than the father to the custody of the children during their infancy! For unless he hold that the mother is not only equal but superior to the father,—that she has a greater right than he to the custody of the children in their infancy, how can he regret that he is not able to transfer the custody to her, or propose to do it at some future time? But though this may be his intention, we can tell him it will be in vain; for so long as there are plain words to expose fallacies, he shall never be able to do it.

We call upon the people of England to be on their guard against all such insidious legislation; and, as a specimen of how their rights and interests are attended to, we refer them to the brief but astounding history of Mr. Serjeant Talfourd's *Custody of Infants' Bill*, which we have given for a warning to our readers towards the end of our article. We call upon them to resist the introduction of this Bill, being (as it is by the confession of its own framer) but a part, a small part, of what he would do if he could. Let them look to it, we say, in time, and behold what are the consequences they may expect if this principle be once admitted. This Bill, by Serjeant Talfourd's own confession, is merely an instalment of others. The attempt he is now making to disturb our right is merely the first step to a further disturbance. Let it be looked to, we say, in time, before the evil is established by law. Our readers must see, from what we have already said, that this is but the beginning of revolu-

tionary changes: they will see still more clearly from what we shall have to say in the sequel, what alarming reasons there are to believe this; and we then ask, whether we may not, with singular truth, say at this time what the great Roman, whom we have before cited, said at the first beginning of the corruption of the Roman republic? One would suppose indeed that the words, though spoken 195 years before the advent of Christ, were designed to describe a state of society existing 1838 years after it!

"Majores nostri nullam, ne privatam quidem, rem agere fœminas sine auctore voluerunt; in manu esse parentum, fratrum, virorum. Nos (si Diis placet) jam etiam rempublicam capessere eas patimur, et foro prope, et concionibus, et comitiis immisceri. Quid enim nunc per vias et comita faciant, quam rogationes tribunorum plebis suadent, aliæ *legem abrogandam*\* censent? \* \* \* Minimum hoc eorum est quæ iniquo animo fœminæ† sibi aut moribus aut legibus injuncta patiuntur. *Omnium rerum libertatem*, immo licentiam,‡ (si vera dicere volumus) desiderant. Quid enim si hoc expugnaverint, non tentabunt§? \* \* \* Ex templo, simul pares esse cœperint, superiores erunt.

"At, Hercule, ne quid novum in eas rogetur recusant||, non jus sed injuriam deprecantur¶. Immo ut quam accepistis, jussistis suffragiis vestris legem, quam usu tot annorum et experiendo comprobastis, hanc ut abrogetis: id est, ut *unam tollendo legem ceteras infirmetis*."

And we may add too, in the true words that follow, "Nulla lex satis commoda omnibus est: id modo quæritur si majori parti et in summam prodest." So that we see by this, that the greatest happiness of the greatest number is no new maxim of legislation, but a principle as old as Cato, and, we might have said, as old as the existence of the earliest government of society.

Why do we dwell so earnestly on this? Because it is the

\* See the history of this Bill, *infra*.

† i. e. *these* women; the female emancipators who try to unsex the whole race of women by instilling into their minds the falsehood "that the sexes are equal!"

‡ "Licence they mean when they cry liberty, for who loves that must first be wise and good," says our divine Milton; and none can be wise and good except those who desire no more than what is just and right.

§ See the Postscript.

|| So the lady's pamphlet, before cited. p. 7. *in fine*.

¶ See Mr. Serjeant Talfourd's deprecations in his speeches, *passim*.



root of the whole matter; because, if we were once to admit, and establish by law, the speculative doctrine of the equality of the sexes, of the "co-equal rights of parents," the most dangerous and alarming practical consequences would speedily follow. We say there is strong reason for every man who is asleep to be alarmed from his slumber at this time. Are there no symptoms of danger, no signs of *alarming* changes amongst us? Is not this speculative falsehood, which we here reprobate, becoming more and more the creed of hundreds and thousands of persons in this country? If any one doubts this, let him broach the question in any place where such a subject could be admitted as discussible, and he will soon see how many partizans that gallant doctrine of the sexual equality can number. Let him look at the general tone of the literature most generally read and circulated, and read himself with his own eyes whether the propagation of this doctrine, indirectly and directly\*, is not becoming more and more frequent, so as almost to pass without remark! But we ask of those purblind, short-sighted legislators, who are so ready to revile and destroy the fundamental principle of the old law of England, as a hideous tyranny, whether they are aware that, at this moment, in the very centre of London, exists a society, consisting principally of the working classes, numbering thousands of members, and having agents and booksellers and branch societies in almost all the great towns of England, whose professed object is entirely to revolutionize the whole social system? While Lords and Commons are disputing about insignificant forms and small amendments,—legislating for their own selfish interests,—these men are meditating, nay, already preparing, nothing less than the destruction of all Christian society,—propagating the belief of the necessity of

\* Within the last few months, at a public meeting of women upon the Poor Law Bill, at Elland, in Yorkshire, the following is reported to have taken place:—

"Mrs. Susan Fearnley having been voted into the chair, opened the business of the meeting by exhorting the females present to *take the question of a repeal of this Bill into their own hands*, and not to rely on the exertions of others, *least of all on the House of Commons*, but at once to assert *THE DIGNITY AND EQUALITY OF THE SEX.*" &c.—*From the Globe of Tuesday Evening, Feb. 20th, 1838.*

If the honourable House sanctions such language as Serjeant Talfourd used in introducing his Bill, and admits the doctrine of the equality of the sexes, it will soon hear enough of that doctrine and its consequences. The worthy chairwoman went on to recommend her sisters, the equal sex, "to resist the enforcement of the cruel law unto the death!"

a complete social sub-radical change; and, what is more, *one of the chief doctrines that they most zealously propagate, in order to effect this change, is this very one of THE EQUALITY OF THE SEXES.* In France, their co-revolutionaries have gone still further, and scruple not openly to demand the admission of the doctrine to its fullest extent, and to talk of the necessity of a *female Messiah*!!! Great indeed must be the exultation of these female emancipators to hear of the success of the revolutionary Custody of Infants' Bill in the Commons, through the legislative talents of Mr. Serjeant Tal-  
fourd. The bold design must have "pleased high those infernal states;" and still more would it delight them to hear that, by the moral authority of Lord Lyndhurst, it is to be got through the Lords. Great would be their rejoicing that, by these means, the doctrine of the superiority of the male sex is voted by Parliament an absurd tyranny, to be abolished *sine die*; and, henceforth, their own favourite doctrine of the sexual equality set up in its stead. And a false principle, be it remembered from history, may be set up in place of a true one. You may enact a lie by law\*; ay, and when once enacted by law, it may become custom and exist for centuries, however monstrous and immoral. You may, by law, ruin the morals and overthrow the religion of a country.

It has been remarked, if we remember right, by Harrington, and repeated by Coleridge, that the great changes in society are made by a few speculators in their closets, and we may add,—not without a remembrance of the doctrines commonly in fashion at the periods of great critical revolutions—the more deeply speculative the more practical†. For what after all is it but the speculative belief which is the *primum mobile* of the practical conduct?

We may add too that we have dwelt the more upon the

\* Is not this possible? Do not Frenchmen at this day believe that it is the duty of a State to support public brothels? Have not Englishmen in the West Indies believed till within the last few years that slavery and flogging of females is good? And do not those in the East Indies believe to this very hour that the worship of Juggernaut is profitable and to be upheld? And how could this have ever existed had it not been countenanced by law?

† We have had a great many cases of separation come under our notice, and we have never known an instance, where the wife was in fault, but one of the chief causes of her misconduct was the belief in this most dangerous speculative falsehood of the equality of the sexes, and that women were subjected to their husbands, not by moral right and the will of God, but by the tyranny of men who have made the law.



exposure of this false doctrine of the equality of the sexes because no one else has. Sir Edward Sugden, indeed, on the second reading of the Bill, said that he objected to it upon principle, and stated many evil results that would arise from its practice; mentioning in particular the increase of separations, domestic feuds and litigation. For his sound and excellent speech, so far as it went, we thank him. But he did not at all enter upon the great question of *Right* that lies at the bottom of the whole subject; nor did he attempt to refute the assertion, that the law was unjust to women, or that the one sex was tyrannized over by the other.

However, to conclude this subject of the relative position of the sexes; when all is said about it that can be, it amounts to this: There are but three cases possible; either that the man is superior to the woman, or that the two sexes are equal, or that the woman is superior to the man. If the first be true, the man as husband and father ought to have command over the woman as wife and mother. If the sexes be equal, neither of them ought to have any command over the other. If the woman be superior, she as wife and mother ought to have the command over the husband and father; in other words, in the capacity of mother she has a greater right to her children than the man in that of father; and when they differ about them she ought to decide, and to have the exclusive right to the child's custody and management. And this indeed is the very thing that those persons who cry out against the law, because it gives this power to the father, are themselves proposing to do, only in an inverse way, when they assent to the assertion of Mr. Serjeant Talfourd; *viz.* that he should rejoice if he could effect the transfer of the *right* of the custody of children in their infancy from the father to the mother!

Had this been said by a person professing to disregard the authority of the Christian Scriptures, and to believe in the superiority of the female sex, it would have been at all events consistent. The fact is, that whoever does hold the opinion that the mother has a *right* to the custody of the children (no matter for how small a portion of time), must allow the superiority of the female sex. For, indeed, though for argument sake, to meet every objection of our opponents, we have con-



sented to admit as possible the equality of the sexes, it may be demonstrated by arguments, *à priori*, that this is impossible; and still more, by those *à posteriori*, in such a world of dominant and subdominant relations as the one we exist in is. That case then would at once be eliminated; the holders of the equality of the sexes would be proved utterly absurd—their fundamental  $\pi\omicron\upsilon\ \sigma\tau\omega$ , from which they were to heave up the moral world, being after all not only an actual, but even a potential nonentity!—and only one of the two other positions would remain possible, *viz.* the superiority of the male or of the female sex; the decision of which would not long be doubtful.

But if it be asked why, allowing that one parent is superior to the other, he ought to have the sole right, not only to the custody of the children, but even to the exclusion of the other parent?—we have given a clear answer to this before, under that head of our argument where we have shown the effects of this Bill upon the education of the children. From what we have there said, it is manifest, that if the children are to be educated at all, the power of exclusion must be placed somewhere; and for the reasons there given, we hold that the law of England has done wisely to vest it in the father. Indeed, looking back at the earliest stage of human society, in order to observe the nature of this law in its simplest action, we shall see that the father's complete power, to the exclusion of the mother's, the right of the superior sex over the inferior, was probably first called into exercise with respect to their offspring. For imagine two beings, living alone in the fertile regions of the world, with all their physical wants easily supplied, with simple appetites, and passions undistracted by the attraction of other beings,—about what could they disagree, so as to require the exercise of any controlling power, if it were not about the management of the child, that third being who came into existence? People only disagree about something respecting which they cannot both have their own way. Here then the virile and marital power (observe how intimately united are the rights of a man as a husband and a father,) would be called into exercise. And does any one doubt that God, in his command to Adam to rule over his wife, had she in any way attempted to demoralize the children, intended he should exclude her from doing so?

And observe, there being then no external power to control him, his wife and children must have been *entirely* subject to him, entirely in his power.

We see then, that this sole and absolute power over the children, to the exclusion of every one else, is a fundamental right vested in the man, as man and father, from the beginning. The paternal power is the oldest and most sacred right belonging to a man,—the right that ought to be most religiously guarded. Such being the doctrine deducible from the authority of the Christian Scriptures, Serjeant Talfourd's Custody of Infants' Bill, that proposes to destroy this right, is therefore directly antichristian.

Here we break off. The limits of this article compel us. We break off reluctantly, for we have as yet not half done with the subject. We had hoped to have been able to complete our plan, and show the Bill up in all the several features of its hideous deformity. We had intended to take this Bill according to the exposition of its framer, and then expound it to his heart's content.

We had intended to have shown fully and completely in all its details what we have been able only to touch upon slightly in passing; to have shown the unconstitutionality of the Bill; how it tends to destroy the fundamental law of society, which has existed in England for the last thousand years and more, in short, ever since there has been law at all in the country; how this law, regulating the domestic happiness of twenty-six millions of moral beings, is now to be destroyed upon a plea of *six* cases and only *one* petition! and that petition got up just before the Bill was about to pass the House; how the Bill places the regulation of the domestic life of every family in the country, directly or contingently, in the will, not only of eighteen men, but of any one of these eighteen; how there is not the smallest check placed upon these eighteen men in the exercise of this enormous power; how it tends to increase that which Mr. Chitty and every other legal authority has described as the worst, most dangerous and unconstitutional part of the practice of the law,—the practice before a single Judge in his private chambers\*; how it leaves

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\* Many persons are entirely unaware of the immense difference between the



to the Judges to decide upon the greatest possible right with the least possible responsibility; how it thus tends to introduce, under the formality of law, a domestic inquisition armed with tyrannical powers of oppression, such as no one has ever dared to propose in this country since the abolition of the abhorred Star Chamber; how, when the Judge's order is once made, it is to be enforced by process of contempt;

practice in open court and in a Judge's chamber; and the ignorance of this was doubtless one of the causes why this most unconstitutional and dangerous Bill met with so little opposition in the House of Commons. In conversing about it we have found that the opinion generally entertained is, that the placing the power of decision in the breast of a Judge is a complete guarantee against any abuse of it! As if a man, by the mere fact of becoming a Judge, divested himself of his human nature and ceased to be like other men, a being liable to error and partiality and prejudice and corruption and all manner of frailties. So thought not our noble forefathers when they so carefully circumscribed the judicial power by so many preventive regulations against its abuse; of which the first and strongest and most important of all is the *publicity of the judicial proceedings*. For ourselves, we have the highest confidence in the Judges; we look upon the administration of justice, in so far as they are concerned, as one of the peculiar honours of our country, and this impartiality of administration is mainly due to the publicity of the proceedings. We believe, generally speaking, that there are not eighteen abler nor more upright men in England, or any land; and, with the right of challenging our jury given to us and the publicity of the trial, we would rather have the decision of our life and fortune placed in their hands than in those of any other persons we can name. But with all this high opinion and profound respect that we have for those eminent and honoured persons, we would not give to them nor to any other body of men, much less to any single individual man, such an enormously despotic and unconstitutional power, to be exercised irresponsibly and in secret, as this Custody of Infants' Bill proposes to give to them.

We honour the judicial office, and desire to see the character of the Judges still held in honour; and therefore it is that we are so anxious that such an odious power, such an onerous duty, should not be imposed upon them, as this Bill proposes to impose. For the possession of such a power could only make the country regard them with distrust and alarm; and the performance of that duty in a true, safe and satisfactory manner, in the midst of all their other laborious avocations, would be utterly impossible. However, that the delusions on this subject may be dissipated, and that our readers may see that Judges even in modern times are liable to give erroneous judgements, which may produce, especially in such cases as would come before them by the operation of the Custody of Infants' Bill, the most serious and *irreparable* injustice, we beg our readers simply to read with attention the following extracts from Mr. Chitty's Practice of the Law. We have throughout referred to this work, rather than, as we might have done, to a multitude of others, because this one is in the hands of almost every legal practitioner in the country, and may consequently be had for reference almost anywhere. One book on a subject, where the facts and opinions stated therein are true, is as good authority as a thousand. We need only remind our readers that Mr. Chitty is not likely to have spoken with disrespect of the Judges of England in a work dedicated by permission to the Lord Chief Justice.

"It has not unfrequently occurred that the rights of suitors have in one term been decided upon by a single Judge in one way, when another Judge, who has presided the term before, decided differently, which could scarcely occur in the full court: and certainly there are many cases of practice involving very intricate questions of law or *fact*, and either directly or indirectly, or in respect of costs, of great importance, and require the opinions of many Judges, and are unfit to be decided by one. This therefore is a jurisdiction not in practice to be extended."



what a shameful injustice it will be to place a man under contempt of *Court* for what is only a refusal to obey a Judge's *private* order; what a frightful thing in itself, as to its consequences, a contempt of Court is; how nothing,—not even a second order of the Judge himself,—can purge a man from it, but submission; and how men, as Sir E. Sugden from his knowledge as a Judge stated, when their personal

But this jurisdiction before a Judge in the practice court, reprehensible as it is for so many reasons, is still, on account of the publicity of the proceedings and the consequent responsibility of the Judge to public opinion, much to be preferred to the secret jurisdiction of a single Judge in his own chambers.

"If the legislature should vest extended powers in a single Judge sitting in a practice court, provided the matters should be formally and deliberately investigated upon affidavits, motion, rule *nisi*, and rule absolute, and openly discussed and decided upon before the public and intelligent officers, it would be a jurisdiction standing certainly on very superior and preferable grounds to any proceeding before a single Judge in chambers." (vol. iii. part i. p. 17, 18.)

Again, for many other reasons this chamber practice is highly objectionable.

"It would be a dangerous and injudicious assumption of jurisdiction for a Judge at chambers to decide upon difficult questions of law or fact, or lengthy contradictory conflicting affidavits, properly requiring much nice and scrupulous examination, comparison, and deliberation to decide upon," (the very cases which the Custody of Infants' Bill would bring before a Judge,) "and which if duly investigated before him, would occupy that time which more judiciously should be devoted to the despatch of the pressing business of numerous parties waiting to have their more concise matters quickly disposed of. It will be observed that even as regards mere matter of practice the Judge here presides alone, unassisted by any experienced officer as in the practice court, and that he is in general hurried by the press of applicants, all anxious to be dismissed in a short time."

"*Note.*—The practice at chambers was originally designed only for disposing of small matters *quite of course*, so as to relieve the time of the court in matters not requiring four Judges to determine upon. But in cases in the least out of the ordinary course, or where there are long or conflicting affidavits requiring comparison and strict examination, it is improper to occupy the time of the Judge at chambers, which ought to be divided between numerous suitors anxious to be dismissed. If suitors should absurdly press a Judge at chambers either in term or vacation to decide upon difficult or lengthy matters, they ought not afterwards to complain of what they may term a hasty decision; and although they might be at liberty to re-investigate the matter by motion to the court, it must be remembered that the prior unfavourable decision of an experienced Judge will naturally and properly excite a prejudice in favour of his decision, which even if erroneous it might be difficult or impracticable to remove." (Observe that!) "Since the appointment of the practice court, holden before one of the puisne Judges in rotation during the terms, there is still more objection to bringing difficult or lengthy matters before a Judge at chambers, which might be disposed of in such practice court by the intervention of counsel there attending, without requiring their hurried and inconvenient attendance at chambers, and it might be well if the practice were not to hear counsel at chambers. When it is remembered that even the Judges frequently differ in opinion after hearing full discussions before them, and sometimes err, it is to be regretted that great discredit has been brought upon chamber practice by the very frequent exercise of jurisdiction in cases by no means clear, upon new enactments and rules, and the consequent unfortunate discordance and contradiction in the decisions of Judges, rendering the practice so uncertain and unsettled, that scarcely any practitioner can proceed with confidence in any step he may take." And this is the kind of jurisdiction Serjeant Talfourd wishes to extend!

feelings have been outraged, will remain imprisoned for twenty years and more rather than submit; how this will inevitably be the case when the strongest of all a man's feelings and rights, the right of paternity, is infringed; how fathers thus, and for no other crime whatsoever than that of defending their paternal rights, may be subjected to imprisonment for life, or else, to avoid it, driven to perpetual expatriation; in short, how this Bill outrages and violates the dearest and most sacred feelings of Englishmen, by destroying those two great inviolable rights, for securing which, hitherto, the constitution of England has been so long renowned and envied by other less free states,—the personal liberty of the subject, and the right of every man to be master in his own house, and to exclude from it whom he pleases; or, as *Magna Charta* and the old unwritten law express these two great elements of the Constitution: “No man shall be *taken and imprisoned* but by the lawful judgement of his peers:”—“Every man's house is his castle.”

We had intended to have exposed the Injustice of this Bill, and how shameful this injustice will be against persons of all classes, against men, women and children; how it will subject good husbands, in addition to all their former vexations and injuries, to be still tormented and injured by perpetual annoyance and litigation from their delinquent wives; how it places virtuous wives on just the same level as to right with the abandoned; how shamefully in almost innumerable ways, not yet exposed, it will injure the material interests and moral welfare of the children; how in many cases it will throw the most unpleasant and intolerable annoyance on executors and guardians, and make men unwilling to undertake those offices; how it imposes conditions on men already married, which had they before known, neither they nor any man in his senses would have contracted the marriage; in fine, how it is a fraudulent, odious *ex post facto* law, which is ever the *ne plus ultra* of injustice and tyranny!

We had intended also to have shown the Impracticability, Uselessness, Inconsistence and Absurdity of the measure; that the Judge, having no rule or precedent by which to guide him, will *not be able* in many cases to decide whether he should make an order for access or not; that if he does at last decide,



and make an order, he must necessarily in very many cases err; that in still more, when the order is made, it cannot be executed; that, as the Judge will have to decide all the minutiae of details, viz., at what times and places, under what circumstances, in what manner, with what witnesses, &c., &c. the access is to be had, and the order must specify all this, every time the father chooses to remove his children to some other part of the country—(and no Judge's order or Act of Parliament, however tyrannical, will ever be allowed we trust by the people of England, to take away a man's right of locomotion, and of moving his children with him when and whither he pleases!)—that, upon the least alteration of any of these things, the Judge's order must be altered too, or it will remain a dead letter; that the access must be ordered to take place either in the father's house, or in the mother's, or in that of some third person; that from any of these arrangements most distressing, immoral and preposterously absurd results will necessarily follow; that in all these cases the husband will have just grounds for opposing the order, and will do it; that, when all other opposition has failed, he will take his children abroad, out of the jurisdiction of the law, or if before he can do this he should be attached, will go to prison, and send them abroad; that thus the Bill will be rendered utterly ineffectual; that no good will have been done by it, but a great deal of evil; that the mother after all will not get access to her children, the children will be excluded now from the care of *both* their parents, and the state deprived of the labours and services of a useful subject, shut up to rot away his life in prison;—that in short, unless a man will of his own accord permit another person living out of his house to have access to his children residing in it, you can never to any good purpose force him to do so by any law short of one that takes from him altogether the guardianship and custody of those children; that this is in fact the necessary result and *ultima ratio* of Serjeant Talfourd's Bill, and that it is a complete violation of the right of paternity, which right the Bill in its fifth clause, nevertheless professes, as the framer of it in his speeches also professes, to leave unaltered and inviolate! all which is directly self-contradictory and absurd.

We should have shown also the other gross and ridiculous



instances of inconsistency and absurdity to be found in the Bill, and amongst the rest, that of limiting the access of the mother to children under the age of twelve years;—and how this, though so absurd, that the framer, were he to persist in defending it, might be driven miserably into a corner by a *reductio ad absurdum*, has yet an object and *method* in its absurdity: how, like that other plausible clause against *convicted* adulteresses, it both served to disarm opposition against the Bill in general, and at the same time happily met the circumstances of a certain case in particular.

We had intended moreover to have shown up in its true light the nature of the various speeches that the framer and chief defender of this abortive Bill made in its defence; how they were all speeches full of specious plausible rhetoric, but utterly unsound and worthless in logic; that an example of almost every one of the known forms of logical fallacy might be adduced from them; that they were speeches made merely *ad captandum*, replete with arguments addressed more to the passions and prejudices of his audience than to their prudence and reason; speeches worthier of an advocate desirous to obtain a partial decision—no matter by what pleadings in favour of his client,—than of a legislator, whose object is, or ought to be, nothing but truth and the general good; how, in order to effect his purpose, counsel-like but not judge-wise, his whole discourse was a tissue of declamation on one side, keeping out of sight all the truth of the other; how he took isolated facts, and then leaped from them to general conclusions; how he worked up the sentimentality of his listeners, by entering into and dwelling upon all the minute details of some particular anormal case of domestic atrocity, and then declared that these were occurrences of every day! how ignorantly he misunderstood, or dishonestly misconstrued the reason of the law as to the right of paternity, when he said that it was a mere “artificial process of reasoning” (meaning by the word artificial, we presume, though certainly it is a very vague and unmeaning word as he applied it—illogical); how absurdly he complained that the law could not compel husbands and children to respect and love their wives and mothers—as if love were a thing of compulsion—as if the law could compel wives to love their husbands, or children to love

their fathers; how still more absurdly he complained that the wife had no power (i. e. power equal to that of the father) given to her in the family, as if there can be two powers paramount in one state; how more particularly he proved himself utterly ignorant of the spirit of the law in the different rights it has granted to parents over their legitimate and illegitimate offspring; and how the Vice-Chancellor, whose opinion he quotes as his chief authority, when he (the Vice-Chancellor) expressed that opinion, proved that he was utterly ignorant of it too; how that was an opinion fit perhaps to be uttered by him as an advocate, (in which capacity he did first utter it) to get a decision in his client's behalf, but highly improper for him to repeat as the authoritative opinion of a Judge sitting on the bench of justice, and still more so for Mr. Serjeant Talfourd to quote as such, when deliberating as a legislator in the senate of a great nation; how the law on this subject may be shown to be in all its details nothing more than a logical deduction from its established principles, from those very principles that Mr. Serjeant Talfourd professed himself to admit; and how his insinuation, that the law had placed honourable wives beneath the level of the mothers of bastards was a gross calumny against the law; how, when he quoted Mr. Justice Patteson's opinion, he did so merely to abuse it; that what Mr. Justice Patteson said was but the simple truth, but that what Mr. Serjeant Talfourd inferred from it was great folly; that when Mr. Serjeant Talfourd said that he was only asking for what the Judges had asked, he said what was untrue; for that the Judges, i. e. one Judge or two, a few at most, had indeed expressed a wish that in particular enormous cases of tyranny by a husband they had the power to remedy the evil, (just as upon the occurrence of any other grievance, e. g. the shameless misconduct and desertion of a wife, for which the husband has no legal remedy, they might have expressed the same just and natural wish;) but that no Judge in England, certainly not those whose opinions Serjeant Talfourd so perverted, ever expressed a wish to see the fundamental law of English society, the law of the paternal right, infringed and destroyed, because it may, like every other law, have been sometimes abused.

But though our limits will not allow us to do this, to show



all this in detail, at all events we have done enough to give a full answer to Mr. Serjeant Talfourd's cool demand about his favourite measure:—"Where was the objection (to it) in principle—where the difficulty in practice?"

We have already alluded in strong terms to the deceptive entitling of the Bill, and we think it right to add a few more words on that subject. We are in the habit of reading the newspapers, and paying as much attention certainly as most men to the daily proceedings of Parliament; but on account of the deceptive, insignificant title of this Bill, it was by the merest chance that we were ever led to examine into its nature at all; and, from the same cause, we presume, it has been, that, during the passage of the Bill through the House of Commons, not one of the papers, as far as we know, devoted any space in its columns to the discussion of the real bearings of the question; and many of them did not even notice it at all. But what is still more extraordinary, it appears by Mr. Serjeant Talfourd's speech, reported in the *Times* of 15th December last, that this Bill, or "one the same in substance," and bearing the same title, "was read a second time last Session!" Now of this we were totally unaware, as we believe that nine hundred and ninety-nine persons out of every thousand, out of the House, in the country were also. And no wonder! How should they be aware of it? It passed through all its stages in that Session without the slightest development on the part of the framer! Why was this? Was not this a proceeding most strange and unparalleled upon the introduction of a Bill to overthrow the fundamental law of society? Well might the framer of it shrink, if he wished to get his destructive Bill passed, from attracting the attention of the public, by giving to it its real title, or by exciting them, through any discussion out of the House until the principle had been admitted in it, to a perception of its real nature. But if he did not say anything about it then, and the title of the Bill itself said nothing about it, how should we, or the press in general, or the country at large, know anything about it either? Now-a-days, gramercy to the false-entitling of Bills, and the snug process of getting them through at a late hour in a thin house, when people have left town, or by a convenient bargaining of—You lend me your votes for my Bill,



and you shall have mine for yours—thanks to all this, now-a-days—in the age of Reform and information—the most important Bill may be passed, and the public hear nothing of it till it is done. But we ask again, is not all this astounding? Was such a Bill intended to be passed *sub silentio*? Here was a Bill fundamentally affecting the welfare of a whole nation—a Bill fundamentally destroying the most sacred and most important law of society, got through a second reading without development on the part of the mover, or question on the part of the audience, many of whom, as the mover at that time, nay, and even a session later, said he, believed were ignorant of “the actual bearings of the law he sought to alter,”—of that law, which is the basis of every other law of our social system; and of course, therefore, much more ignorant of this new, unexplained, unknown Bill which he sought to introduce.

Here is a specimen, people of England, of the way in which laws are now made for you by your representatives! When a mere party motion is to be brought forward, when some question affecting the chances of place and profit to honourable members is to come under discussion, some ministerial appointment, for instance, or any other miserable question of who's in and who's out, then there is a great movement in Parliament-street,—then there is a call of the House,—then the Bill *has its right title* given to it,—then public attention is called to the importance of the measure,—the great question of the Session. Then upon the second reading of the Bill a vehement discussion is sure to ensue; and honourable members get up their speeches for their respective papers, and prepare beforehand all the artillery of personal anecdotes and incidents that they think they may be likely to make bear upon their opponents in this senatorial *Batrachomyomachia*—this petty warfare of party politics. In the mean time all the organs of party are set in motion: great dinners are given, public meetings called, emissaries sent round all over the country, and the table of the House, night after night, is made to groan with petitions: and when at last the important day for the second reading does arrive, gods and men, and post-horses, and whippers-in, are sweated to death, that honourable members may come up in time,

and take their places to vote in the House. And all this toil and trouble is, perhaps after all, merely to keep in a contemptible ministry until the end of another *fainéante* session ! But when some Bill affecting a great fundamental principle of society is to be brought in ; when the dearest interest of Englishmen,—the moral being of the whole nation, is at stake,—when some *ex post facto* law, some tyrannical act to disfranchise us of our oldest rights, is to be got into the statute-book, then all is to be done in the most quiet, gentlemanlike, insignificant, *nonchalant* manner possible. Then the mover attracts to his Bill as little public notice as he can help. Then he takes care not to make it a party question—such a calamity is much to be deprecated. Then ministers are silent, and the opposition silent too ; and then, without a single petition, a single word of discussion, hardly the smallest attention or notice paid to it within the House or without, the principle of the most immoral and revolutionary Bill that was ever brought into the Parliament of a Christian country is admitted, *nem. con.* ! and then, next session, the same mover, a learned Serjeant of the law, taking advantage of his own wrong, comes modestly forward, and says, “ That as the Bill which he was about to request leave to introduce was the same in substance with one which was read a second time last session, he might perhaps venture to anticipate that there would be no objection to its introduction now ! ”

Of old, on some tremendous emergency, requiring instant and vigorous decision, *ne quid detrimenti capiat respublica*, the safety of the republic was entrusted for a brief time to an extraordinary dictator ; in modern times, now that the politic Satan is wiser than of yore, the salvation of the monarchical aristocracy is confided to the constant vigilance and activity of a couple of ordinary whippers-in !

In the course of our discussing the merits of this Bill we have hinted that it might perhaps not improperly be called Mrs. Norton's peace-making Bill. Now, that we have here followed the plan of those base innuendo-making dastards who dare to make insinuations against persons, which they dare not afterwards substantiate, but had every reason to believe were false at the time they made them, we are cer-

tain that the readers of the British and Foreign Review will not for an instant suppose. We abhor all such conduct. Our principle, as they well know, in conducting this Review, has ever been to avoid all personalities, except where they were so mixed up with important subjects, that a full exposure of the subject itself could not be made without an exposure of the conduct and motives of the actors therein. This Custody of Infants' Bill is precisely and preeminently one of these cases; and that our readers may see that we have not acted without good reason, we shall relate, as briefly as may be, the whole history of this affair. The nature of any event can never be fully understood except where its *primum mobile*, the motive of the actors, is first known. The great duty then of the historian of human conduct is to expose motives; and the real motives of the actors in public life can rarely in any other way be obtained but by a consideration of the coincidences and connexion of events,—in short, by a consecutive train of circumstantial evidence.

About two years ago public attention was attracted by a very remarkable trial, of which we shall here say nothing, but that the only thing that we saw to admire in it, was the masterly legal tact and oratory of the Attorney-general, who obtained a verdict for his client. Of course after such an affair the separation between the lady and her husband continued. That trial took place towards the close of the Parliamentary Session, when no more new Bills could then be introduced. But in the April of the Session following a very remarkable Bill was brought in by a gentleman known to be an intimate friend of the lady in question. This Bill was one whose object was nothing less than to destroy the old Christian law of paternity that had existed in England from time immemorial,—to take away from the father the right of command over his own children, and to place this in the hands of sixteen other men! It was, in short, Mr. Serjeant Talfourd's "Custody of Infants' Bill." The history of this Bill, as it went through the several appointed stages during its progress through the House of Commons, is one of the most extraordinary and instructive that we have ever read of the kind; and we shall therefore cite it here, as reported in the Mirror of Parliament;



and we think that this strange history will fully bear out our animadversions on the mode in which this Act has been attempted to be got into the statute-book.

"Tuesday, April 26, 1837.

"Custody of Infants' Bill.

"*Mr. Serjeant Talfourd.*—I believe it will be admitted that the measure to which I am about to call the attention of the House is one of extreme importance. I believe that those who know the present state of the law regarding the custody of children whose parents live separate, will not deny that it is a fit subject for the consideration of the House. The measure which I am about to propose will not affect the principle of common law which gives to the father a right over his children, but merely provide for the safe custody of them in other cases. Understanding, however, that no opposition will be given to the bringing in of the Bill, I will not, at the present moment, occupy the time of the House by entering into the details of this measure, but will reserve all discussion upon it until the second reading. I beg to move then for leave to bring in a Bill to empower the Lord Chancellor and the Judges to make orders relating to the custody of infant children of tender age, in cases where the parents are living apart, upon the application of either of such parents, or on the return to writs of *habeas corpus* issued at the instance of the father."

It appears by this, that even from the beginning, the father of this Bill was obliged to introduce it under the mask of a fraudulent assurance, and to say that his Bill would "not affect the principle of common law which gives to the father a right over his children;" whereas we have proved, we should think *satis superque*, to the satisfaction of every one of our readers, that the Bill does affect its principle in the deepest degree, even to its complete practical destruction.

"*The Attorney-General.*—I do not rise to oppose the Bill, as I consider it will be better to waive all discussion until the second reading. The subject is one of extreme delicacy and difficulty; and I am apprehensive that the law will not be improved, even by the measure which the learned Serjeant proposes to bring in. I shall however, I trust, be able to state my views on the subject at a future time.

"The Bill was then ordered to be brought in by Mr. Serjeant Talfourd and Major Beauclerk."

When this "future time" came, both in the last and in the present session, the Attorney-general never once opened his mouth "to state his views." Why was he not able?

"Thursday, May 4, 1837.

"Custody of Infants' Bill.

"To empower the Lord Chancellor and the Judges to make orders relating to the custody of children of tender age, in cases where the parents

are living apart, upon the application of either of such parents, or on the return of writs of *habeas corpus* issued at the instance of the father;" presented by Mr. Serjeant Talfourd, and read a first time. To be read a second time on Wednesday the 24th of May, and to be printed."

In this Bill two things are observable:—First,—That it gives the power of making orders for access only to the Lord Chancellor and to the Judges; whereas in Mr. Serjeant Talfourd's Custody of Infants' Bill of 1838, the same power is also extended to the Master of the Rolls and the Vice-Chancellor. Serjeant Talfourd it would seem in the interval has grown wiser. It appears that it was not enough to give to sixteen men the right of intermeddling irresponsibly in the domestic arrangements of every family in the kingdom: two more were to be added. The wife would have so much more chance of gaining her object; so much more chance of annoying and ruining her husband by litigation.

Secondly,—That this Bill of 1837 proceeded upon the same delusory plan as that of 1838—to pretend to grant a power to the father which he already possessed—to make people believe that the Bill would act equitably, and to delude them into a blind security until it had passed.

" Thursday, May 25, 1837.

" Custody of Infants' Bill.

" Second reading, from this day till Thursday the 1st of June."

" Thursday, June 1, 1837.

" Custody of Infants' Bill.

" Deferred till Wednesday the 14th of June."

The reasons of these two deferments of the second reading of the Bill may be innumerable, but they may all safely be expressed by these few words; it was not *convenient* to have it brought on. Is this the reason, also, why in this session the second reading of the Custody of Infants' Bill has been *four* times deferred in the House of Lords, although the Lords have been thrice specially summoned for the occasion? *There* too was it not convenient? It is said the inconvenience in this case was synonymous with fear; that something or other had opened the eyes of the noble House to the tendency of the measure; and that Lord Lyndhurst himself, able and bold as he is, was struck aback.

" Wednesday, June 14, 1837.

" Custody of Infants' Bill.

" *Mr. Serjeant Talfourd.*—I beg leave to move the second reading of the Custody of Infants' Bill. As I understand the principle of it will not be opposed, I will not attempt to detain the House, but will confine myself simply to the motion for the second reading."

If this were not given in evidence here before one's eyes it would not be credible! That such a Bill as this should be permitted to be read a second time; that the principle of such a Bill,—of one of the most immoral and revolutionary Bills ever brought into a Christian Parliament—should be admitted at once *nem. con.*; and that all that was said about it on that occasion, to make the whole House gulp it down, *con gusto*, should be these few shy words of Mr. Serjeant Talfourd,—two sentences and forty-five words—seems almost incredible! But so it is; and such at this moment is the state of legislation in England!

The Bill now was to be committed. The House had committed itself to the acknowledgment of its principle. But it appears by what follows, that in the brief fourteen days, at the expiration of which the next step in the march of legislative immorality was to have taken place, something had intervened to create a difficulty,—to put a stop to the onward movement. A change had come over the spirit of the dream. Was it that the pear was not yet ripe? or, was it that the Norton negotiations had taken a more favourable turn?

It would appear from a letter of Mr. Norton in the report of the trial of *Emmott v. Norton*, in the Court of Exchequer, that this last was the case. See this report in the *Morning Chronicle* of July 2, 1838.

" Wednesday, June 28, 1837.

" Custody of Infants' Bill.

" *Mr. Serjeant Talfourd.*—I will take this opportunity of stating that I do not intend pressing the Custody of Infants' Bill through the House this session. It is a subject of great delicacy and importance," (as Mr. Attorney-General had said already). "The details of the Bill are not so perfect as I could wish, and therefore I do not wish to press through the committee a Bill which perhaps after all would not be carried through the house.

" Committee put off for three months!"

Although the details of the Bill were not so perfect as



the honourable member could have wished, and *therefore* he did not desire to press it through the committee, our readers, by referring to the original draft of the Bill, as introduced by the honourable member in this session, will see that as to *principle* these details are substantially the same; the same enormous, unlimited power is granted to the Judges in favour of all classes of separated wives, however immoral they may be. Nevertheless, the honourable member, as our readers will see also by referring to the speeches we have quoted, had no hesitation in pressing it earnestly through the committee, ay, and through the House too in this session.

But what was the cause of this put off,—this drop for the remainder of the session? The members who know the secret history of this Bill can best tell. But whatever it was, no matter; Serjeant Talfourd and his clients had gained their end. They had got the House to *recognize* the *principle* of the measure, all *quietly*, without a single word of opposition or exposure from any one of the representatives of the people of England!

The first grand object had been effected, the first commanding position won. The wisest policy was manifestly to remain quiet till the next session. Indeed, nothing else could be done; for the King's death, on the 20th of June, had already made a dissolution of Parliament inevitable. The best way then was to affect a great carefulness and delicacy about a subject of so much importance; by no means to appear in a hurry; not "to wish to *press* through the committee a Bill "which perhaps, after all, would not be carried through the "House!"—for a very good reason, that the House was on the point of breaking up, and even then was overladen with other most urgent business! There was no helping it then. This revolutionary Bill, which, had it proceeded at the same rate, would have been carried through the House in about a fortnight more,—altogether in about ten weeks or three months at most,—at the end of the second month could not be proceeded with any more till the next session! In the mean time the world went out of town to his various places of amusement; and this might be a very favourable opportunity of winning over, in the relaxation of their autumnal vacation, some of the more severe and scrupulous members, who might be at the

first blush a little alarmed and coy, or downright disaffected to the measure. It was strongly to be feared that the Bill would not, after all its quiet success, be able to be passed in silence, (as was so desirable for a Bill on a subject of so "great delicacy,") without some discussion in the next session. It was best then at once to prepare for this. Henceforth, therefore, attempts were not wanting to attract people's attention to the subject, and make them take a particular view of it.

Amongst other means adopted for this purpose, a pamphlet was circulated in society, as the co-production of the Hon. Mrs. C. Norton and Mr. Serjeant Talfourd, upon the wrongs and rights of separated mothers. Mrs. Norton had the credit of being the authoress, Mr. Serjeant Talfourd that of being the assistant.

And now for the internal evidence as to the connection between the Bill, Speeches and Pamphlet,—that they have all come from the same mint.

Mr. Serjeant Talfourd's Speech\* begins with stating, "that as the Bill which he was about to request leave to introduce," &c. (as before quoted,) ;—"but as the subject then" (i. e. in the last session,) "passed without development on his part or discussion by others, and as the actual bearing of the law which he sought to alter might not be familiar to the minds of those," &c. &c.

The Pamphlet begins with stating, that "The law which regulates the Custody of Infant Children being now under the consideration of the Legislature, it is very desirable that the attention of the public, and of members of Parliament in particular, should be drawn towards a subject upon which so much misconception and ignorance prevails."

The Pamphlet goes on to state what is the law at present relating to children,—so does Mr. Serjeant Talfourd's Speech. Here is a quotation from both.

*The Pamphlet.*—"The custody of legitimate children is held to be the right of the father *from the hour of their birth*, to the utter exclusion of the mother."

*The Speech.*—"The exclusive custody of all legitimate children, from the hour of their birth, belongs to the father."

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\* See the Times of the 15th December, 1837.

The Pamphlet then proceeds to cite the four most notorious cases on record of the abuse of the parental power;—so does the Speech, and in the very same order.

The Pamphlet then refers to those cases where the Court of Chancery had interfered with the father's power:—so does the Speech, and for the same object; viz. to prove, if possible, and by the same sophistical arguments, and for the same false purpose, that because that Court has interfered to protect the property of its wards, or to prevent the contamination of children in one or two outrageous cases of the grossest immorality and irreligion, it ought in *all* cases, where husband and wife are living apart, to have the power of interfering with the father's right to the disposition of his children, established as that right has been in this country from time immemorial by the old common law of England!

And yet the Pamphlet has the amazing boldness to assure us, that neither “a new principle of litigation is sought to be established, nor a new principle of interference with the common-law rights of the father;” just as the Speech assures us, with as much truth and honesty, that the framer “did not seek to alter the law of England as to the father's right!”

The Pamphlet also refers to the Vice-chancellor's opinion, and quotes at length his sage words about the mothers of legitimate children and bastards, as the strongest authority to show the rights of legitimate mothers. So also does Mr. Serjeant Talfourd's Speech, and says “he sought only to do what the Vice-chancellor would gladly have done.” Just as the Pamphlet writes, “if a Judge and Vice-chancellor, in giving his decision, observed that he would gladly adopt any precedent,” &c.

Serjeant Talfourd's Speech argues that the instances of the abuse of this law are of common occurrence: “Let it not be supposed that this law was one which was rarely brought in to operation;” though “the instances, in which the sufferings it entails are dragged before the public cognizance, might be few.” The Pamphlet argues with the same crafty exaggeration: “The number of instances, however, in which this irresponsible power has been exerted, must not be reckoned by the number of cases which appear from time to time in



"the legal reports: hundreds (!) of cases are decided by "Judges in chambers, the particulars of which are never "known to the public." Again, Serjeant Talfourd, in his Speech, holds out the threat, that, unless the existing law be changed, mothers will be tempted to abduct the children;—so also does the Pamphlet, and threatens still more vehemently that they will do so\*.

And, as we have seen that Serjeant Talfourd in his Speeches strenuously attempted to defend the right even of convicted adulteresses to have access to their husband's children, the Pamphlet also would give to adulteresses that right, at all events if they could only screen themselves from being convicted. "It is rare that, if crime is *committed*, it cannot also "be *proved*†. But admitting, for the sake of argument, that "such *might* be the case in isolated instances, even *then*, "IN DEFAULT OF PROOF, the woman should not be barred "from her infant child!"

Does the reader, after this specimen of the complete conformity of principle, this conjugate cynism of sentiment in Mrs. Norton's Pamphlet and Mr. Serjeant Talfourd's Speech,

\* A strange argument by the way is this, to prove that the Bill ought to pass: by which, without removing most of the motives to abduct children, the facilities of abduction will be incalculably increased.

† This *assertion* is here made by the defender of this Bill, in order to get over the shocking and fatal objection against it, viz. that it will have the effect of increasing separations and adulteries; for no *answer* to the objection either has been or can be made, but simply this assertion, the mere *ipsa dixit* of this lady. Now we appeal to the common sense of every one, what sort of a Bill that must be which requires not only sophistries, but such palpable falsehoods as these to defend it? The crime, remember, here meant is the crime of adultery—a crime implying an act which in any case is the most secret that takes place in human society; and in this case being criminal and punishable, it is the strongest interest of the parties to do every thing to conceal it. This being so, we ask, how is it likely that the proof of this act should be easily obtained, especially such proof, as, in the freedom of the intervisiting and commerce of the sexes, at present the law considers necessary to establish the fact of crime? But even supposing there were any indications of the commission of crime, what innumerable chances are there against a woman's being legally convicted! The jury is always inclined, *prima facie*, to side with a woman; and a clever and bold advocate, who can only confuse a simple witness, may frequently gain a cause. Again, (to omit all the other numerous reasons why this crime is rarely susceptible of legal proof,) if a husband fails in his prosecution of the adulteress, an immense odium falls upon himself. He stands in the position of a man who has attempted to defame his own wife; and she, however bad and irregular may have been her conduct before, is henceforth considered persecuted, because non-convicted. Is it likely that, under these circumstances, a man should be very forward to seek for a conviction of his own wife,—even if no feelings of tenderness for her, or regard for his own children, existed to prevent him?

desire to hear any more specimens of them? If he does, we could give him many. Indeed, were we to go through both of these productions from beginning to end, we could hardly do aught else.

That the Speech then and the Pamphlet are connected together, there cannot be the shadow of a doubt. That either the one was the origin of the other, or that both were concocted at the same time, though brought out perhaps at different times, is certain; for there is no alternative, there is no other way of getting over the fact,—the existence of the remarkable coincidence between them, as proved by the internal evidence. There is no way at all of getting over the external evidence as to the authorship of this Pamphlet, as proved by the concurrent testimony of society—the notoriety of the fact. How far the intimacy of the connection between these two literary friends—we mean the Speech and the Pamphlet—may have extended, what are the particular items of the peculiar obligation that we owe to each, whether Mrs. Norton got the legal arguments of her Pamphlet from Mr. Serjeant Talfourd, and Mr. Serjeant Talfourd the sentimental moralities of his Speeches from Mrs. Norton, or whether it was all arranged by a treaty of mutual offence and defence together;—into these secrets of authorship we pretend not to enter. But one thing is certain; that if Mrs. Norton is the authoress in whole or in part, if she has had a voice or a hand in the origination and propagation of that Pamphlet, (and, if not, we shall be glad to hear that she can disclaim it, and *prove* her disclaimer,) it is certain that she has had a hand either in originating or in propagating, and perhaps both, the doctrines of this Bill: for the whole and sole object of the Pamphlet is to defend the Bill.

We refer to these circumstances most unwillingly, not, indeed, on account of ourselves, but of others. It is not we, but Mrs. Norton, who has forced her case upon the public. She has courted publicity; and, what is still more, she has connected herself and her own case with Mr. Serjeant Talfourd's "*Custody of Infants' Bill*," and with the propagation of certain doctrines which we know to be false and immoral; and therefore it is, and therefore alone, that we have referred to her case, as she seems to wish the public to do.



Now whether that lady or her husband, or both, or neither of them, are in the right or in the wrong, we say not.—That she may have been before her separation the most virtuous and faultless of wives in the world, we dispute not; that before or after her separation her husband may have “behaved meanly towards” her, and taken and “detained, and does still detain, a great part of the lady’s wardrobe, her books, manuscripts, and every thing belonging to her,” as her friend S. P.\* of the *Chronicle*, quoting her own authoritative letter, affirms and publishes by her ‘*permission*’,—although Mr. Norton’s attorneys declare it is positively untrue; that she may be perfectly right in running her husband into debt, and getting actions brought against him, for the purpose, as Mr. Norton’s counsel asserted, of ruining him, and driving him out of the country; that she may never have been guilty of extravagance, and be completely justified in contracting against her husband a debt of £142 for horses and carriages for ten months, although a judge and jury decided she was not; that she may be altogether blameless and innocent of a letter, written by her husband to her about their family affairs, having “found its way into the hands” of a public horse-jobber; that this confidential horse-jobber should have obtained another private letter of Mr. Norton’s, written to his servant,—may have been all entirely right, although “very extraordinary,” as the Lord Chief Baron observed, to whom it appeared that “there has been some treachery on the subject!” All this may however be right; as also it may be very right, and justifiable, and *comme il faut*, that this horse-jobber should have got possession of another private letter of Mr. Norton to his wife, and made it public upon the trial, although the Judge observed, on reference to such letter, “How that bears upon the case I really cannot see; I “myself must say, as a gentleman, I do not think that letter “ought to have been put in evidence†.”

All this however, in the eyes of other people, may be perfectly *comme il faut*, justifiable and right; and seeing that Mrs. Norton has herself had so much of her own private life brought before the public, we have no wish to say a word more about it. But one thing we do and must say, for it is our duty so

\* See Morning Chronicle of the 27th June 1838.

† Ibid, 2nd July 1838.



to do:—that, however blameless and entirely innocent this separated lady may be, however great and unparalleled may be her wrongs,—we do not think that to right them the paternal rights of a whole nation should be violated! If the friends and relatives of that lady think it a proof of good taste to be continually appealing to the public about her private affairs, they may continue, for us, to think so; but at all events we must beg to remind them, that if the sympathies and passions of honourable members and the public are to be excited, it ought to be done for a legitimate object.

Now if Mr. Norton and his friends had acted in this case as his wife has done; if he had endeavoured by every means in his power to get the public to sympathize with him, while he was endeavouring, in confederation with one of his parliamentary friends, to get a most immoral, unjust and tyrannical Bill made the law of the land, and a monstrous injury thus done to the well-being of a whole community, in order to provide a remedy for his own particular grievance, we should have reprobated and exposed this attempt in terms fully as strong, if not stronger, than those which we have used in this case. We have not the smallest personal or political bias against any of the parties whose names have become unavoidably mixed up in the discussion of this subject. We have nothing to do with the circumstances of their private conduct, so long as it be kept private; but if that conduct, when once made public, has a tendency to affect the public morality, we shall not fear, wherever, as in this case, it may become necessary, to speak our minds freely. We say it is a monstrous injustice to make a single grievance, or a few private grievances, the ground for a general law, introducing an universal public grievance; to destroy a *Lex* by which the general welfare of the whole community is secured, in order to introduce a monopolizing *Privilegium*, which at the best can only benefit a few, and that, in every case, by the injury of others, and of the nation at large: and we say moreover that it is a monstrous immorality to endeavour to get such an injurious law passed in the way that the Custody of Infants' Bill has been attempted to be.

We know, as we dare say most of our readers may know, one or more instances of the shameful misconduct of wives;

where, after having slandered, robbed, and outraged in every possible way her husband, the wife has then run away from him, and as he has no *legal* proof of her having committed adultery, he is punished for her malignant desertion, and made to pay the piper for her dance of extravagance and profligacy; liable every day of his life to all manner of litigation, unable to marry again, deprived of his domestic comfort and happiness, perhaps of the hope of any legitimate offspring, until his life or her malignity shall end—and all this without the slightest hope or possibility of remedy, as the law at present stands! Can any case of greater injustice and cruelty be adduced than this? No doubt, in this as in every other case of injustice, the sufferer has a right to feel strongly, and so (if he pleases) to express himself. No doubt, he has a right to endeavour to get a remedy, and to excite the public feeling in his favour to get one, provided he does not intend to make a bad use of it, and employ their sentimental sympathies, aroused *openly* in his favour, *secretly* to their own detriment. But suppose this husband, thus suffering from his wife's misconduct, had therefore stirred up some friend in Parliament quietly to introduce a Bill in this manner and to this effect: viz. that whilst he is making repeated disclaimers of any intention to alter the old marriage law, it should in fact, by the new Bill, be fundamentally altered; and because his friend's wife and other wives had behaved shamefully, and there was at present no remedy by law for the ruined husbands, that henceforth all men, except those who had been convicted of adultery, should have the power of getting rid of their wives *ad libitum*! of turning them out of doors at any moment, without even their property which they brought in marriage being restored to them, or a power given to them to form another union,—what should we think of such a Bill and of such a proceeding? Does any one doubt that this Bill could justly and properly be called the instigating husband's Bill? It would be in a certain sense even more his Bill than of the parliamentary proposer. In such acts, the real agent, properly speaking, is the instigator,—the prime mover,—who sets all the other agents in motion; albeit, this consideration in no wise diminishes the moral responsibility of these voluntary instruments themselves.



But what would the country say, and have a right to say, of such a public tyranny? What would they think of the good sense and honesty of such an attempt to get a remedy for a mere private individual injury? Now this is just a parallel case, as far as the breach of a fundamental law is concerned, with the action of Mr. Serjeant Talfourd's Bill, and the mode in which it has been attempted to be passed. In both cases the husband and wife would obtain respectively a remedy for their private injuries, but only by bringing in by the same remedial law a most enormous injury upon the whole community. Mrs. Norton may have been or not shamefully wronged; may have been excluded justly or unjustly from her husband's house; may have or not a right of access to her children: on all this we are not called to utter a judgment; nor do we utter one. But we do say again, that even admitting, for argument's sake, to the fullest extent that the parties interested can desire, the existence and enormity of a particular injury; neither for this nor any other individual case would we destroy a great fundamental law of society,—a law by which the peace and order and virtue and happiness of millions of families have been preserved for centuries, from generation to generation.

And now a few words as to the tone and language we have been compelled by his own conduct to use towards the framer of this measure. When we first sat down to examine this Custody of Infants' Bill, we were at once struck with its monstrous evils, and we felt the deepest regret that any man, for whom we had previously entertained a feeling of respect, should have been the mover of it. But at that time we confess we were not aware of all its immoral consequences; we had not analysed it then through all the ramifications of its noxious principle. It takes some time to find one's way through a forest of poisonous upas-trees: and with how much truth in this case may *questa selva oscura* be said to be *nel mezzo del cammin di nostra vita*, in the very centre of our whole social system! Nor were we at that time aware of the manner in which Mr. Serjeant Talfourd had endeavoured to get his measure passed, and still less expectant were we of the success of his endeavours. We had wished rather to believe, as other persons not cognizant



of the facts we have stated have been deluded to believe, that this was an amiable, though perhaps a weak and unsuccessful, attempt to redress some particular injuries. We had not, nor have the slightest personal animosity against the honourable member, but the contrary; and we had wished therefore, in accordance with our usual practice, to treat of the question without saying a disrespectful word towards its supporter, or indeed mixing his name up with the discussion at all. But when we came to look into the whole subject deeper, we found that this was utterly impossible. We had determined, if no one else came forward to oppose this immoral and tyrannical measure, to do it ourselves; and if so, to oppose it, as it ought to be opposed, with that stern justice which, if the opposition were to be of any use at all,—as we know it has been of the greatest,—was needed for such a measure. In short, we determined to state the truth, the whole truth, and nothing but the truth, without fear or partiality for or against any one;—and this we have done: but we found that, unhappily, the framer had so identified himself with the measure, that it was impossible to speak of the one without speaking of the other, in the same terms.

It was he, and he alone, who first got the principle of the Bill admitted in the House of Commons during the last session: no other member then spoke a single word in its favour. It was he, and he alone, who got the Bill itself passed there in this session: no one else addressed a single new argument in its defence, but what was a mere parrot-like repetition of those in his speeches. It was he, and he alone, who for the first time, to the best of our knowledge, ever advocated in an English House of Parliament the doctrine that all women, even convicted adulteresses, had a *prima facie* right to demand access to their husbands' children\*. It was he, and

\* Though no sooner was it said (thus an immoral principle spreads and waxes bold when a single example of its advocacy is permitted to pass unanswered) when up rises Mr. Freshfield, another lawyer, and justifies the same doctrine. So again, when Mr. Serjeant Talfourd, the prime mover of the Bill, had set the example of vilifying the old Christian law of paternity that makes a wife and mother subject to her husband, Mr. Freshfield said that the system "was more partaking of the barbarous policy of other countries and other times, than of the enlightened spirit and advanced civilization of the age in which we live (*cheers*)."  
And Mr. Praed, another lawyer, in imitation of Mr. Serjeant Talfourd's doctrine about legitimate and illegitimate children, said that in nine cases out of ten the mother ought to have the sole custody of the children.—(See the Morning Herald of May 10, to

he alone, who used the violent language we have quoted about the "hideous injustice" of the present law, &c. In short it was he, and he alone (unless indeed he may prefer to share it with his friend, the authoress of the concomitant Pamphlet,) who has the whole and sole merit, whatever that may be, of this Custody of Infants' Bill.

This then is the reason why we have been compelled to treat Mr. Serjeant Talfourd in this case in the same manner as his Bill: he has identified himself with it. Another is, that, from the reputation he has for talent and respectability, many persons are less likely to oppose him: for even Sir E. Sugden expressed regret that he was obliged to do so, and permitted the Bill to be read "a second time in this session through courtesy." Another strong reason is the probability, that, after the success of his measure in the present session, unless the unprinciple of it were now once for all thoroughly exposed, he would endeavour again to bring it forward in the next. And lastly, we have spoken the more warmly, because, to use the words that Milton quotes from Luther, when they both had to defend the warmth of their vehemence, "things quietly handled are quickly forgotten." And if ever a subject, from the unparalleled nature of the attempt, deserved to be remembered, it is the present one. We have spoken the rather with becoming warmth, because, when the moral being and welfare of Englishmen and Englishwomen are about to be deeply injured,—as this Bill, if passed into law, would injure them,—we cannot stand by and talk about it with the same cool indifference as a Swiss *confiseur* would use in asking an *élegant* to take an ice.

Though we cannot say, with some of his extravagant admirers, that we regard Mr. Serjeant Talfourd as a Magnus Apollo, and though on the present occasion he has certainly not raised himself in our estimation either for talent or anything else, that gentleman has very respectable talents; and, when he exerts them (as he can do if he pleases,) for a respectable object and in a respectable manner, we shall be happy to be able to treat his productions with due respect.

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which paper for the discussion on *this* stage of the Bill we have referred throughout this article; as there it is more fully reported than in the Times. The Herald was by mistake omitted in the title to this article when it was printed off.)



But should he determine a second time to abuse his influence by an attempt to destroy our old paternal law, we shall treat such conduct, as we have done already, with the contempt it deserves. We will not stand by tamely and see our countrymen robbed of their most sacred rights, whilst God has given us a voice or hand to lift up against such sacrilege; and unless the old heart and spirit of England be dead for ever, we are certain that, when once fairly warned of their danger, the people will not stand by tamely either.

This article has extended far beyond our ordinary limits. But let it be remembered that we have had to treat of no ordinary subject, but one which has never before occurred, and we trust may never occur again. Never before in the history of this country has such an attempt been made in the Legislature to overthrow the foundation of all society. Never before has it been necessary for any reviewer of parliamentary proceedings to defend the first principle of our social system against the denial and accusation of one branch of the Legislature itself! The admission of the principle of Serjeant Talfourd's immoral Bill by the House of the people's representatives, the great initiative branch of the Legislature of England, is a fact unparalleled in the history of English legislation. If then, in defending this principle against an attack from such a quarter, we have been compelled to enter into long and minute details in support of our position, let it be remembered that we have had to treat of the relation of the sexes and of the paternal right,—the two deepest, most complicated, and most important questions of society; questions, upon the decision of which not only the legislation and well-being of this, but of every other country must depend. Let it be remembered also that we have been forced to come forward at the last moment, when the destructive Bill had already passed the Commons, and then, notwithstanding the heavy pressure of time, to treat of this difficult subject, to analyse and lay bare the unprinciple of the Bill, because no one else has.

During the passage of this measure through the lower House, not one member\* exposed it on its broad and general

\* Of all the members who opposed it, Sir E. Sugden was far the most eloquent and determined in his opposition. The other few were Messrs. Shaw, Goulburn, Tan-



ground; not one Newspaper, not one Review\*, devoted a single column of its pages to expose its unprinciple. Not one man in all England has had the virtue, or the courage, or the knowledge, to expose the depth of the falsity of the most immoral and unconstitutional law that was ever attempted to be carried through the Parliament of this country.

Against the silence of the people, and the decision of their representatives, we have had to stand up alone. And if then we have demanded our readers' attention longer and more severely than usual, this is our true and sufficient excuse. And if, so standing, and against such enemies, we have expressed ourselves throughout in the strong and earnest language of a just indignation, let it be remembered also what a cause we have had in hand, what noble clients to defend! We have had to defend one of the most sacred truths of God; we have had to defend the most important interests of man; we have had to defend the rights of husbands and fathers; we have had to defend the honour of virtuous wives and mothers; we have had to defend the well-being and moral education of our children; lastly, we have had to defend the justice and majesty of the old Common Law of England, the wisdom and honour of our forefathers! And, after all, the only weapons that our opponents have been able to bring against us in support of their Bill, are a Pamphlet full of falsehoods, and three trumpery speeches of exaggerated sentimentality. These are the means—at least the overt ones—by which this measure has obtained the assent of the House of Commons! and these, together perhaps with the assistance of the Ministerial influence of Lord Melbourne and the Fabian policy of Lord Lyndhurst, who keeps putting off the second reading of the Bill

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cred, Langdale, and Mr. Warburton,—who did it, very much to his honour, with the consciousness, at the same time, as he said, that it was unpopular to do so. Six opponents to this Bill out of a house of 656! We think it will reflect but little credit in after-times upon Sir R. Peel, Sir W. Follett, and others of that party who plume themselves on the title, too often borrowed and ill-merited, of Conservative, that on such a destructive Bill as this being carried through the House, not only they had not one word to say against it, but they would not even take the trouble to give to it the opposition of their vote.

\* We speak here of course to the best of our knowledge. We cannot be expected daily to read every newspaper, though, on this particular subject, we have looked at many; but if any of our contemporaries have given an exposure of this Bill, *before* it passed the Commons (for since that time the attention of the papers has been called to this subject), we shall be too happy to acknowledge it, and thank them for their services.

(*four* times already it has been put off!!) until the bishops may have gone to their dioceses, the other lords to their country-seats, and the House be conveniently disposed to let the principle of the measure be accepted):—these are the means by which it is hoped to get it smuggled through the House of Lords.

This is the way to get such a Bill passed; but we trust, after the exposure we have here given, it will be in vain. A strange portent indeed would it be, when the eyes of the people are opened, to see the leaders of the Whig and Tory parties conspiring, even in theory, to destroy the life of the family! We say to that branch of the legislature, If you admit the principle, you will be assisting the advocates, not of reform, but of deformation and immorality. We say to it,—“*Incedis per ignes suppositos cineri doloso.*” Under the scoræ and indurated lava that seem all so smooth and quiet, the volcanic principle is still at work. The minds of many well-meaning persons, supporters of the Bill, have not as yet been awakened to a perception of its real tendency, and this is why we have been obliged to go to some length, and to enter into a minute analysis of details, because hitherto it has not been done. In truth, the evils resulting from it are not at first sight obvious, just as the ramifications of the worst kind of cancer lie not on the surface, skin-deep, but extend, with their poisonous roots, throughout the whole body. So is it with this Bill. But we have now dissected it, and exposed, with arguments which we affirm to be unanswerable, its hideous immorality. Until, therefore, these arguments be answered, no member of the House of Lords, who has any regard for morality, can give his consent to the enactment of such a Bill; can admit such a Bill to pass on a single stage further in its progress through a Christian parliament. We are confident that the Lords spiritual and temporal, the appointed conservators of the public morality, will not fail on this important occasion to do their duty: for henceforth, whatever the House of Commons may plead, at all events the Lords have been warned of the danger. If ever there was a dangerous and revolutionary measure, this Custody of Infants' Bill is one; not the less dangerous, because the danger has been cunningly veiled under

clauses, in appearance intended to be a safeguard to the public morals, but which in reality are just the contrary. A house may be blown up not the less certainly because the train is laid in a crooked instead of in a straight line.

We ask the Peers to lay their hands on their hearts and say if they think that this is just the right time for relaxing the laws which tend to uphold the integrity of domestic life. We ask them if they think there is such an extraordinary surplus of angelic virtue at this moment, that married people need no longer be kept by law under restraint. We ask them to consider whether the notions about the marriage union in the upper classes of society are not already sufficiently lax; whether marriage has not become a matter of mere speculation,—a thing of the money market—where people say, Oh! she has 10,000*l.* a year,—as brokers quote the prices current: how completely the *virtus post nummos* maxim is recognized; how the education of daughters is fashioned, so that they may best sell themselves\*. We ask them whether even in theory the principle of the unity of the parties united by marriage be not openly denied, whether certain writers are not even now seeking to get recognised that of the wife's separate existence†? We ask, is there no intention in *certain members of the present legislature* to destroy the very principle of the marriage law altogether, and to set up in its stead the principle of the *separate existence* of the wife as if she were a *femme sole*?‡ We

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\* We once heard an ambassadress say at a ball to her daughter, a lovely girl of sixteen,—“Mind you do not dance with any married men!” Thus the speculations on the main-chance go on even in the midst of society and amusement, and thus “*virgo de tenero meditatur ungui.*”

† If any one doubt this let him read only the following extracts from the pamphlet so often cited. “The only new principle sought” (by this Bill) “to be established is that some recognition and acknowledgment may *now* be made of the mother's separate existence.” p. 7, Rights to Protection.

‡ If any one doubt this, let him read the following extract from the “*Married Women's Bill*,” prepared by Mr. Lynch and Mr. James Stewart, and ordered by the House of Commons to be printed, 21st December, 1837. The title of it is as follows:—“A Bill to enable married women, *with* the consent of their husbands, to pass their interests in chattels personal;” and as the reader will see by what immediately follows, this title is a false one; for by clause 9, married women, in many important cases, are to be entitled to do this *without* the consent of their husbands! This is another very remarkable specimen of that dishonest practice of enacting Bills falsely, of which we have before justly complained. And the effect of it in this case was just the same as in that of Serjeant Talfourd's Bill; viz. to get the Bill onwards through the House quietly without attracting the public attention to it! We ask, how many of our readers have ever before even heard of this “Bill to enable married women, with the consent of their husbands, to pass



refer them to the sensual state of literature; we desire them to ask their booksellers and publishers what class of works

their interests in chattels personal?" For ourselves, had we not been in the habit of receiving daily "the Votes and Proceedings" of the Houses of Parliament,—and how few persons in the country are so! had we not moreover been paying especial attention to the present state of legislation on subjects affecting the relation of the sexes,—had we not, when we saw for the first time, in the middle of May last, the "Married Women's Bill" appointed for the second reading, taken the trouble to send down to the House for the Bill, and read it, we could never, from that title, have had the slightest conception of what was the object of the Bill. Having been for some months out of town, we should never even have heard of the Bill at all. How should we? Has any of the public journals taken the smallest notice of it? No. How should they? What is there in that title to attract any notice at all? It is merely an assertion of the old principle of the law as it stands at present; and any one upon hearing it would imagine that the Bill was one merely regulating some small unimportant legal technicalities in the transfer of property: just as many persons, to our knowledge, imagined that the arrangement of some unimportant legal technicalities was the sole object of the Custody of Infants' Bill,—that it was a Bill only for lawyers to look at, and of no general interest to the public at large! The Houses of Parliament to their shame,—(for as Cicero and Blackstone have well observed, it is a shame for a man, pretending to be a legislator, not to have studied and not to know the laws of his country,)—the Houses of Parliament to their shame, and the people to their sorrow, are by far too much lawyer-ridden. When an immoral Bill is to be jobbed through the House, it is undertaken by a *lawyer* of distinguished legal abilities, who comes forward and imposes on the credulity of his ignorant fellow senators, his own legal and therefore irresistible importance, by telling them, as Serjeant Talfourd did, that he believes that the greater part of them are happily ignorant of the law, in question,—perhaps have never heard of it. And then the great Serjeant or Master in Chancery lays down the law for them; and the audience of illegal members, pious members, mercantile members, literary members, polite members, county members of the lower house, and not unfrequently the lords and bishops of the upper, swallow down quietly his law as if it were all gospel. But we trust from this exposure that the people will be led to open their eyes to these things, to look to the law, and to the *testimony* of the lawyers themselves,—to watch more severely the conduct of their representatives, and to reprobate and punish all such malpractices. The following are two of the clauses of this "Married Women's Bill."

"9. Provided always, and be it enacted, That if any husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas at Westminster, and for the Court of Common Pleas in Dublin, respectively, or either of such courts, by an order to be made in a summary way, upon the application of the wife, and upon such evidence as to the Court to which such application shall be made shall seem meet, to *dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise*: and all acts and deeds to be done, executed, or made by the wife in pursuance of such order in regard to any chattels personal, shall be done, executed, or made by her in the same manner as if she were a *femme sole*, and when done, executed, or made by her, shall (but without prejudice<sup>a</sup> to the rights of the husband as then existing

<sup>a</sup> This is another specimen of the black-and-white system of legislation we have before exposed, where one of your blow-hot-and-cold legislators takes away from

are the most profitable to publish,—have the greatest number of readers; we ask them to consider what sort of princi-

independently of this Act,) be as good and valid as they would have been if the husband had concurred.

"10. And be it enacted, That in the construction of this Act (except where the nature of the provision shall exclude such construction), the words "chattels personal" shall extend to all choses in action, as well legal as equitable, and all other personal property of every description, (except money subject to be invested in purchase of any manors, advowsons, rectories, messuages, lands, tenements, tithes, rents, or hereditaments, for which provision is already made by the before-mentioned Acts of Parliament respectively, and also except terms for years,) and whether in possession, reversion, remainder or contingency, and wheresoever the same may be, and any undivided share thereof; and the words "interest in chattels personal" shall extend to an estate at law as well as in equity, and to a married woman's equity for a settlement out of her equitable choses in action, and to any right, title, charge, lien, incumbrance, claim or demand, as well at law as in equity, whether present or vested, or future or contingent in, to, upon, or against any chattels personal; and every word importing the singular number only shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the plural number only, shall extend and be applied to one person or thing, as well as several persons or things."

What think you of all this, good people? Read that Babylonish passage again about the confusion of numbers. "Every word importing the singular number *only*" to mean the plural! and "every word importing the plural number *only*" to mean the singular!! Is not this a queer sort of legislation? And then read again attentively that extension of meaning given to the word "chattels personal," and "interest in chattels personal," so as to make the married woman as independent of her husband as possible. And consider well also those comfortable words and constitutional doctrines, about imprisonment, separation, unknown residence, assumed lunacy, whether the man "shall have been found such by inquisition or not," &c. &c. &c. at the beginning of the 9th Clause; all of which henceforth, had this Bill passed, were to have been so many good and just grounds for de-

you an existing right, and then introduces a few consolatory words to assure you that it is to be done "without prejudice to the right" you had before "independently of this Act,"—the very Act which is taking it away! Marvellous is the gullibility and patience of John Bull! By the way, what an odd coincidence is it, that this "Married Women's Bill," by which husbands are to be deprived of the right over the management of the personal chattels of their separated wives, is ordered by the honourable House to be printed on the very same day as "The Custody of Infants' Bill," by which fathers are to be deprived of the right over the management of their children, on account of these separated mothers! Did Messrs. Lynch and Talfourd, the two honourable framers of these Bills, conspire together to make separations the fashion amongst women? Observe how happily the two Bills would assist each other, like partners in a game. If a wife chooses to be fashionable and run her husband into debt, she may get him imprisoned, or drive him to live abroad. By the former Bill she might then apply for an order to get her own personal property, and by the latter apply for access to her children. Or again, if she chooses to be fashionable in another way, and to separate from her marital tyrant; by the latter Bill she may get access to her children, or else get her husband clapped up in duresse, not only vile, but everlasting, for a contempt of court; and then, from his imprisonment, have another plea to obtain an order (by the former Bill) to dispose of her own personal property as she pleases,—in other words, to be altogether independent! Such is the pretty see-saw that might be carried on by the double operation of these two Bills; and all this finessing is to be done, and these scientific Bills to be got through the House, if possible, quite quietly, as in the game of—whist!

ples are being instilled into the minds of English women by the perusal of such fashionable French novels as those of

priving a man of his marital (as Serjeant Talfourd intends to deprive him of his paternal) rights! And here let the people consider well, we say, if such Bills, thus provisoed, were to pass and be put into operation, what would be their practical and moral effects!

These, God help us! are the sort of laws now made for us, and we must obey them! One would think from these two clauses, taken in their connection together, that honourable members wish to gull the people of England, not only out of their oldest laws and rights, but out of their very senses and language! Mr. Lynch may perhaps be one of the gallant and sentimental members who desire to win the title of female "emancipators;" if so, after the *exposé* that this honourable title may perhaps soon have, let him wear it! Mr. Lynch, during the discussion of that other female emancipation-bill brought in by his learned colleague Mr. Serjeant Talfourd, asked him if it could not be extended also to Ireland? Mr. Lynch seems fond of extensions. But one thing we must beg to impress on him; that if he and Mr. Serjeant Talfourd persist in their attempts to destroy the fundamental principle upon which our old English laws and rights respecting the sexes have been established—to substitute for it their despotic order of justice "to be made in a summary way;"—in a word, to set up their *Lynch-law* in its stead,—when they have thoroughly confounded the understanding, and demoralized the principle of the people by such Acts of Parliament as these two we have exposed, when they have thoroughly destroyed the marriage-tie and let loose the passions of the populace,—they may perhaps themselves become the first victims of their own *Lynch-law*. Is this impossible? Has it never yet occurred? We recommend them and their compeer, Mr. Grantley Berkeley, to call to mind a few scenes of the French revolution, and of the distinguished parliamentary career that certain emancipated women, certain lawyers and gentlemen, their friends, had in that revolution; and then to ask themselves, or rather to ask any writer of common sense and veracity who has recorded the details of the history of that eventful period, whether the degraded and licentious state of public morals by the common violation of marriage, the destruction of the old domestic laws, and the propagation of the doctrine of the sexual equality in France, had nothing to do in the production of those horrible excesses? What else was the cause of the difference between the revolution in that country and in ours?—or again, as the eloquent Channing has so well remarked, between the French revolution and the American? In the one country, the mass of the population, especially of the female population, was demoralized; and in the other countries, it was not: for truly it has been said, "*Les hommes font les lois, et les femmes font les mœurs*;" though the writer forgot to add, that the nature of the laws made by men has a direct and most influential effect, whether for good or evil, upon the manners made by women.

However, to return to these Bills, from which we are but too happy to be able to escape even for a moment, bad as Mr. Lynch's Married Women's Bill is, inasmuch as it is a bye-law destructive of a fundamental principle of society, it is not half so bad as Mr. Serjeant Talfourd's Custody of Infants' Bill, because its destructive effects are not half so great. The former Bill has introduced one great check against the abuse of "the order,"—that it is to be made in open Court publicly; the latter has introduced none at all, for by it "the order" may be made by a Judge in his private chambers. The former, at all events, only affects the subordinate consideration of the property of the family; this latter destroys, practically, the great fundamental law of the whole family itself, the law of the paternal right: and this probably is the cause why that was rejected and this received: for, to the shame of our old English manhood it must be spoken, legislation now-a-days is directed rather to uphold the rights of property than the rights of the Person. The property is everything, the Person nothing. When a Bill is brought in to take away their power over their wives' personal *property*, then these honourable, gallant, and liberal members can prevent it from passing:



Messrs. de Balzac, Paul de Kock, Eugene Sue, &c. we ask them to look at the state of married life among the aristocracy of this country as described by those who have lived in it\*: we refer them to the facts which every now and then come out at a trial or elsewhere of the practices and the questions now on the *tapis*, to the doubts which agitate men's minds on great points of principle, to the dishonest shufflings and trucklings of party politicians; to the infamous examples of public men and public authorities, turning round (not only in the warmth of youth, but even the coolness of old age,) to deny the principles which they had been advocating all their lives, and still having honour, and still having success: we ask them whether the administration of the country is not conducted rather by the discords of parties than their union in any great national feeling: we ask them whether those remarkable words of Tacitus may not be applied to many of the public characters of this time, and to some of the advocates of this measure,—“*Falso libertatis vocabulum obtendi ab iis, qui privatim degeneres, in publicum exitiosi, nihil spei nisi per discordias (and, we may add, vel socordiam,) habeant†.*” We ask them to look at these things as a proof of the state of society among the upper classes; and with respect to the immoral state of the lower, we refer them to the statistical reports of the increase of crime; to the evidence given before their own committees of the horrors of the criminal colonies; to the existence of such things as gin-palaces,—evidence which their own eyes might furnish; of the horrible doctrines circulated in works expressly made cheap for the use of the populace. Let them consider in short, the general profligacy in

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when a Bill is brought in to take away from them their sacred paternal right, the sole power they possess of keeping their families in order, and of educating their children morally,—they care nothing about it, but admit the principle tacitly, and pass the Bill by a large majority openly! as Mr. Serjeant Talfourd's friend the Examiner says, chucklingly, “by a majority of four to one”! That writer writes, with his usual whiggish honesty, “We hope that the Bill which, though at first coldly received,” (witness the opposition made to it!) “was, *after it had been explained*,” (we have seen how far it had been explained!) “and *understood*,” (and how far understood!) “in the House of Commons, carried by a majority of four to one, will have the same success in the House of Lords.”

\* See, for instance, the Diary of Lady C. Bury, the Countess of Blessington's “Victims of Society,” the “Curious Customs in the county of Middlesex,” in the Hon. Mrs. C. Norton's “Coquette,” &c. &c.

† Tac. *Annal.* ii. 17.

the life of the two extremes of society ; and then we ask them once more whether they think that this is the moment to relax still more the marriage tie, by giving their sanction to such an immoral Act as that of Serjeant Talfourd ? to that, of which we may say in the words of Hamlet to his adulterous mother, that it is

“ such an act  
That blurs the grace and blush of modesty,  
Calls virtue hypocrite, . . . . .  
. . . . . makes marriage vows  
As false as dicers' oaths.”

We say to them : If you will help to whitewash vice, to let immoral wives take the benefit of this Act, and thus become with impunity the fraudulent bankrupts of conjugal virtue ; if you will put vice and virtue on the same level, you can do it ; but be assured you cannot do it with impunity. You and your posterity would rue the day that such a law was passed ; and it would not be long before many of you, in your own families, would feel its operation. If vice can properly be compared to anything, it is to an infectious influenza : it glides from family to family, and no one can tell how, till at last the very atmosphere of society becomes infected, and the disorder so common, that people joke when they get it, and say, “ Yes, I am in the fashion ; we are all in the same boat ! ” But though, by the policy we have before alluded to, and the neglect of their duty, this Bill should even pass the House of Lords, still we should not despair of its final defeat. There is still the heart and moral sense of the great body of the people of England to look to, and to them we should appeal. After this exposure of the abominable immorality of this Bill, we are convinced they would never allow it to pass. God and the people of England defend, that, in the second year of the reign of our gracious and noble sovereign lady, our virgin Queen, the fountain of justice and honour, such a Bill should ever be sent up to her, from an English Parliament, for her assent. We say that, after the exposure of its abominable immorality, the minister himself, anxious as he may be to gratify his particular friends and supporters, and *poco-curante* and ruthless as he may be of moral consequences,—Lord Melbourne himself dare not advise the Queen to give her assent to such a Bill.

We desire to see all abuses reformed, to see both sexes completely protected, to see both of them freed from every unnecessary restraint. We will go as far in reform as any man living, provided only that it be rational; but until that be shown, not a single step. We will never give our consent to a measure which would remove some evils only by introducing others far more numerous and worse. Had Serjeant Talfourd come forward to propose a just wholesome law, (i.e. a law whose action is duly defined) so as to protect women really requiring protection, without injuring or demoralizing others, instead of our opposition he should have had our cordial support. Such a measure we had ourselves in contemplation, and we can only regret that we are prevented, by the extreme length of this article, from stating in what way all these grievances might be removed. Under our measure, neither Mrs. Greenhill's, nor any one of those few anomalous cases which have been referred to in the discussion of this subject, would probably have ever taken place; or if they had, could have remained without the fullest redress.

But though we regret that we cannot now enter upon this subject, we do so less than we should otherwise have done, had we not at all events been preparing the way for wholesome legislation by ridding the country of the pernicious measure which would, if passed, (by the demoralization it would have occasioned,) have been the worst hindrance to any true reform. Add to this, that unless we are not much deceived in the signs of the times, a demand for a revision of the laws relating to marriage is not far distant, and then the country will have an opportunity of entering fairly upon the question: for, to use again the thoughtful expression of our great countryman, the conjugal and parental relations are all "a modification of one nature"; they belong really and truly to one subject, and cannot properly be considered separate. Of all things, piecemeal alterations and patchwork measures are the most useless and injurious.

That a revision of the laws relating to marriage and the domestic life should take place, and those changes be introduced which may remedy the great evils still existing there, we think on all accounts to be most desirable. The sooner mens' minds are led to consider this important subject and to prepare for the necessary change, the better. But whenever



this revision does take place, we trust that it will be done not until after the maturest and most serious deliberation. We trust that the legislature will remember, that in making these laws for the family they are deciding upon the whole life and moral being and happiness of the state. We trust, therefore, that they will not, by any over-hasty, foolish, tumultuary Bill, such as this that Serjeant Talfourd has endeavoured to introduce,—to remedy a few private evils, destroy the great public good. We trust, that if they do propose to destroy, they will at all events know beforehand how far and how much of the social fabric they themselves intend to have destroyed,—how great is the destructive power of the measure they wish to apply; and then to apply it with care and foresight, that its effects may be beneficial and safe.

Lastly, to the present and to every future Parliament of England, we say this: Whatever changes you may see good to introduce, at all events, unless you are prepared for a complete social revolution, unless you intend to overthrow the whole of your social system *funditus*, do not unnecessarily tamper with, or in any degree weaken, the law of the paternal power; for that is its very foundation-stone.

We are convinced, that if that be broken into pieces, or removed from its place, the most terrible and irreparable downfall of the constitution would inevitably ensue; that the most horrible destruction of private virtue and public principle and social happiness would be its inevitable consequence.

And with this solemn conviction in our own hearts, and warning to those of our readers, we shall conclude in the words of that illustrious and eloquent Roman, who, for his labours in the exposure and discomfiture of a base revolutionary attempt to subvert the liberties of his country, was not unworthily honoured by his countrymen with the title of *pater patriæ*:—Injure not, weaken not, destroy not,—for here to weaken is to destroy,—the *patria potestas*. This is the firm basis of all your institutions. This power, at home, is the source of all your power abroad. From this has sprung all that you now possess of political order and of domestic liberty,—of that liberty, without which all other liberty is but an empty name, the sounding brass of party demagogues, or the tinkling cymbal of national vanity.

Defend,—defend we say again,—for now, if ever, is the time ye should do it,—fathers and fellow-countrymen, defend from every encroachment of tyranny, your old English house-right of freedom, which your renowned ancestors, from time immemorial, have bequeathed to you as the dearest and most sacred heir-loom of your constitution,—the *salus populi* :—" *Hanc, retinete, quæso, Quirites, quam vobis, tanquam hæreditatem, majores vestri reliquerunt ! \** "

*Postscript.*

We have read an article in the Number for May last of the *Metropolitan Magazine*, entitled "An outline of the Grievances of Women," which shows so strikingly how needful and well-timed, in the present state of public principle, were our preceding remarks upon the relative position of the sexes, that we shall here communicate it to our readers. Our notice was first attracted to it by a flaming puff preambulatory, inserted for several days in the public journals; to wit,—that the article was from the pen of one of the most talented and amiable of her sex, who, from her own experience, could do full justice to the subject. We perused it therefore with the more attention. It opens thus :—

"At a period when the divine right of kings is a doctrine no longer tenable; when the power of a dominant aristocracy totters to its foundation; when an imperious priesthood is on the eve of losing its usurped temporal power; and when the right of the people to civil and religious liberty is generally recognised,—in the nineteenth century, and in one of the most civilized countries of Europe,—half the population is still enslaved! The women of England,—the mothers, wives and daughters of free-born Britons,—are still forced to bend under a yoke more galling than that of the negroes,—a yoke which enthrals the mind."

The intended conclusion of all this tit-bit of exaggerated rhetoric is, that as the opinions and things mentioned above are all past, or fast passing away, so also will the present de-

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\* Cic. 4 Phil.

grading position, and "*slavery*" (as the writer terms it afterwards,) of women be utterly and for ever abolished. But with all due deference, we humbly conceive that the logic of the fair rhetorician is naught. What! could not she, about whose talents so much has been said by her publishers, as if she were to be turned out a new Bradamante, armed or denuded, *cap-à-pied*, to run a joust or wrestle with any man,—nay, with the whole male sex one after another, as they choose, in proof of the rights and capacity of women;—could not this bold Bradamante of the nineteenth century, who "fearlessly denies" that her sex are at all inferior in ability,—and doubtless therefore, as their self-constituted champion, and foremost woman belligerent, has no mean opinion of her own abilities;—could not she, with all her talents, perceive, what is perceptible to the most ordinary mind possessing common sense, the absurdity of reasoning on things entirely disparate, as if they were homogeneous? The so-called divine right of kings, the excessive power of a dominant aristocracy and of an imperious priesthood, has been, or will be, sooner or later, destroyed, because in fact it never was nor is of divine origin, but a thing of mere conventional assumption,—a thing that may or may not be; that varies more or less in every country of the globe, according to the opinions and circumstances of its inhabitants: whereas, if there be any one fact in the world which is invariable, which *is* of divine origin, which has been made and done by God himself, it is the constitution of the sexes, and the subordination of the female to the male. Elevate or depress the condition of them both as much as you will,—and we should be delighted, quite as much as our fair dissentient can be, to see them elevated infinite degrees above what they now are,—you will never be able to get rid of the relative position of each. Neither in practice nor in theory can you get rid of this great law of the sexual relation. We ask this writer to show us one single instance of any country,—unless it be one brutally barbarous or fabulous;—such a country, in short, as that where dwell

"The Anthropophagi, and men whose heads  
Do grow beneath their shoulders,"

in which females have ever been admitted to a perfect equal-



ity of rights and powers with men. We affirm, with the greatest legislators of all ages, that such powers, if granted to them, would lead directly to a state of perpetual anarchy, and that therefore they *cannot* be granted: and with all the profoundest metaphysicians that have written on this subject, we affirm, likewise, that women do *not* possess any such inherent rights, and that these powers, therefore, *ought not* to be granted.

However, the fair champion careth for none of these matters. She will run a-muck, if necessary, with all the men of common sense, historians, legislators, or metaphysicians that ever existed. She proceeds therefore to say that women are "degraded, despised and scorned," (quære what sort of women?) "scorned even by those to whom they have given existence, whom they have tended with unwearied care during the helpless hours of infancy, for whom they have suffered so much, and endured so many privations, for whom they have laboured,—nay, sacrificed themselves." Is that a *general* fact,—is it even of *common* occurrence, that women, who have honourably done their duty to their families, are despised and scorned by their male relatives? We believe not. Bad as the world is, we believe that to assert such atrocious ingratitude to be a thing of common occurrence, is a gross and slanderous exaggeration. We believe that such atrocity, where it does exist, is a very rare and odious exception to the general rule of men's conduct. We believe, that in nine hundred and ninety-nine cases out of a thousand, a woman who really performs her duty virtuously and honourably, so far from being despised and scorned, is respected and honoured. If it be the case with this lady's male acquaintances and intimate friends, that they despise and scorn virtuous women, we can only pity *her* for having such! Thank God, at all events, it is not so with ours!

The exaggeration, however, proceeds:—"Denied the privileges granted to the meanest citizen." Cannot this writer understand, that if the law has in certain cases given powers to men which it has not given to women, (for this is what she is here driving at,) it is only because it has laid on men responsibilities which it has not laid on women? Does this imperious claimant, who wishes to invest her sex with all the male privileges of citi-

zenship, wish them to undertake all the male duties of citizenship? If not, she is both illogical and unjust. Let it be remembered, that the first duty of every citizen of a state,—*the condition sine quâ non of citizenship*,—is, that he shall undertake to bear arms at any moment when the state calls upon him to do so for its defence. Does any lady, any woman of common sense and delicacy, wish to see enrolled regiments of she-dragoons, or brigades of police-women? Would she wish to see her gentle sex undergoing the hardships and brutality of these and such services?—services which, be it remembered, however harsh and brutal they may be, are yet, as the world goes, and is likely to go for all that any one can at present foresee, very necessary to be performed by some one; and considered therefore rightly by the state as part of the duties of a *citizen*. This bold *ultra*-utopian, however, has no taste for such a common-sense matter-of-fact view of the subject: on she goes dashing in her revolutionary jeremiad over the grievances of women:—"Trampled upon in *every* relation of "life; retained in profound ignorance of *all*, excepting religion, "that can ennoble human nature; and only instructed in *that* "so far as it may render them obedient slaves." Ohe! why, seriously, Heraclitus himself could not help laughing at such ridiculously self-tormenting and manifest absurdity! In the name of wonder, how are women differently instructed, as to religion, from men? Do not they go to the same church; hear the same preachers; read the same Bible; and may read, if they choose it, the same commentaries upon it? If they be "retained in profound ignorance," who is it that so retains them, unless it be themselves? We know of no places devoted to education from which they are excluded, except the dissecting-room and its adjuncts: for if women cannot go to the universities, they lose little by that; since there is nothing useful taught there which might not just as well be taught, if desirable, at any well-regulated female-school. Nay, should women desire, as this publicity-courting lady seems to do, to have a female university; to confer degrees in *Arts*, *Medicine*, &c.;—why do not they institute one? Should they find at first any difficulty in obtaining a charter, they might console themselves by reflecting, that other male institutions of this nature have also been compelled to wait long enough for theirs!

But the magisterial sentence of this sage and well-disciplined would-be Semiramis is not yet finished:—"They have rarely dared to think themselves the equals of those who now lord it over them; and all the exalted sentiments of their nature are subdued, and all their high and holy enthusiasm is quenched, by a blind submission to those, whose *only* title to power is a *superiority in mere physical strength*."

Excuse us, *fair* lady, for exposing the fairness and honesty of this statement; for you, yourself, a little afterwards, say, that as compared with men, "with sorrow I confess that at present they (i.e. women,) are deficient in *knowledge*."—Is knowledge then mere brute physical strength? Nay, more, you here make this honest confession also; viz, that "it is generally contended, that women have less steadiness than men; that *their* constitution renders them incapable of serious study; and that it is consequently useless to teach them what they never can learn." And, strange for an emancipator to say, you add, "I must confess that women *in general* deserve to be thus characterized." And after this, does this writer have the face to tell us that steadiness of mind is mere brute physical strength?

Nevertheless she goes on to sound thus valorously the trumpet for an onslaught:—"Who can tell how small a spark may kindle the flame of liberty which now lies smothered in so many bosoms? who can tell how soon the desire for emancipation may be awakened,—that desire which will never rest till it is accomplished? Have we never heard that 'who would be free himself must break the chain?' And shall we any longer hesitate to wrench," (there's a soft feminine word for you!) "to wrench asunder one of the links of ours? Do we expect from others—from our masters—that justice which we refuse to struggle for ourselves? And can we hope that they, whose interest it is to keep us slaves, will ever voluntarily concede to us the prerogatives of free-citizens; will acknowledge our *equality* with themselves, or recognise our rights as human beings?" This is what one may fairly call a female manifesto against the whole human race of male tyrants,—of war to the bodkin! No doubt, this vehement fair one expects to be the she-Spartacus, or perhaps more appropriately, the *Tous-Sainte l'Ouverture* of this Servile War;—in other words, the real impersona-



tion, in its utmost significance, of the St. Simonian *Femme Libre*. However, after a deal of talk, small and great, about "gleams of knowledge," "barriers thrown down," the "Hindoos and Mulattoes," (why with her other strange *à-propos de bottes* did not she add the Hottentots?) "entrusted with important and responsible offices," that women never have been tried, &c., she at last comes to this:—"It is sometimes suggested that women are adequately represented by their fathers, brothers and husbands; and passing by the cases in which a woman has *no* relation who can represent her interest," (certainly not one case in a hundred thousand,) "the suggestion has a slight show of plausibility, until we recollect that points are frequently discussed by the legislature, which affect women, not only in their quality as citizens, but also in their distinctive character as females."—Ha! how is that? what are they? But, if there be any such, it is plain that, by the tenor of this lady's arguments, no male is fit to legislate upon them at all. We suppose we must have a female House of Commons; and a very common house indeed such an one would soon be.

But to proceed: it appears by the next paragraph that our supposition was right; that by the good-will of this fair spokeswoman, burning for parliamentary fame, we *are* to have one, or at least, as the Irishman says, a bit of one; but, *nota bene*, here, as in all such cases of agitating demands, the *pars* is put *per ellipsin symbolicam*, symbolically by a secret mysterious ellipsis, *pro toto*—the part is to be taken for the whole; but only *as a first instalment*—until the whole can be obtained. "Did women constitute a portion of the senate, would not the unjust laws respecting property be abolished; would they continue after *marriage* in a state of tutelage?" Open your eyes and ears, good easy husbands! Here it seems lies the gist of the whole matter; no marital tutelage! That abomination of abominations to be utterly abolished! Marriage henceforth to be a state of perfect liberty for women to do whatever they please! Avatar of the *Femme Libre* by act of parliament!! To use the words that Milton's Samson addresses to the cunning Delilah,—“We thought where all these circling wiles would end;” when the cat's tail begins to peep out of the bag, it will not be long before

the cat herself will be out too, claws and all. We would suggest, however, *sotto voce* to the delicate prudence of this writer, if she has any, that the cat may sometimes be let out of the bag a little too soon. To our male readers we say again:—Open your eyes and ears, if *you* have any, good easy men; for else, when you do wake up from your nap, you may chance to find your greatness growing and ripening with a vengeance. Of old to the men of the east horns were one of the symbols of power\*: but, were the legislative intentions of these fair and free heroines once put into act, to the men of the west, we take it, they would soon be the only one!

“Still less,” she goes on to say, “would acts have been ‘‘allowed to pass which exonerate one sex from burdens which ‘‘are heaped tenfold on the other.” To what can this writer allude? Does any of our readers know of any burdens which are heaped by act of parliament on women tenfold more than on men? If so, we beg them to inform us; for we confess we had always thought, and think so still;—that if a disproportion of burdens be laid by the law on either party, certainly it is on the one that has the broader shoulders to bear it.

The burdens thus *mysteriously alluded to* by this female emancipationist we confess we do not comprehend. Let us hear, however, the conclusion of the whole matter. “When we reflect on these things,” (i. e. we presume, on what immediately precedes, viz. the mysterious “burdens,” the abolition of the abominable “state of marital tutelage,” &c., &c., as also on those peculiar functions, feelings and desires before hinted at, when she speaks of the distinctive character of her sex as female, which, as she insinuates, we men cannot comprehend, and can only suppose therefore that by it she means something peculiarly characteristic of women, such as she herself, a woman, from “her own experience,” knows them to

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\* In Switzerland, in the canton of Schwytz, society is divided into two great parties; the Horn-männer, or Horn party; and the Klauen-männer, or Claw party, and between these the most desperate hostility has long existed, the Horn-männer being the aristocrats, those who possess a cow; and the Klauen-männer, those who have only a goat,—and envy the possession of pasture enjoyed by the possessors of the cow. Might not the married men and garçons in those countries, where *cicisbeism*, open or secret, is commonly the fashion, in a moral sense be much more aptly designated the Horn-men and the Claw-men?

be,—though this, her assumption of general knowledge, grounded solely on the self-experience of such an anormal and self-unsexed individual, we believe to be a vile calumny against the best part of the sex)—“When we reflect on these things, it will not require any extraordinary sagacity to discover that women are not represented by men.”

We begin to fear that, after all, this fair lady is also one of the ungrateful ones. What! when, but so short a time since Serjeant Talfourd brought forward a Bill to give to women, in the most important of all cases, an equality of power with men; nay, and made two sentimental speeches to state his authoritative opinion, that they ought to have more legal power given to them over their infant children than even their husbands! and when, moreover, on bringing up the report of his Bill, out of a House consisting of 109 members, he gained a majority of 73, and got the Bill passed upon the third reading by another majority of 60 to 14! After this signal triumph over the wisdom of ancestors, and the vulgar old prejudices of common sense, we must say that the fair lady is somewhat *exigeante* and ungrateful to complain “that women are not represented by men!” Alas! after all his late exertions in the cause of female emancipation, has the honourable and eloquent member received from his fair client no dearer guerdon of thanks,—no sweeter reward than that?

However, the female sower of tares and thistles proceeds; and as there was still another objection against female emancipation to be got rid of, viz. that women already possess “influence both at home and in society so great, that it is unnecessary to grant them political privileges, since they already enjoy a power equally strong, but free from all the risk of vexation which the attainment of the object, the ‘emancipator’s’ (*sic in origine*) desire, would occasion;”—she proceeds, in order to infuse “bad influence into the unwary breasts of her associates” and female readers, and to make them still more and more discontented with their social position, to argue first, “that *influence* is no compensation for being retained in a state of bondage;” and, secondly, that “female *influence*, as it is generally exercised, is positively and extensively hurtful.”



The absurd and suicidal paralogisms contained in these two assertions, as she has used them, we cannot stop here to expose; but we shall merely request the reader's attention to the cunning of this writer, in which she cites the word "emancipators," as if there were already an organized party in this country so called, whose direct object is this female "emancipation." And in these strange times, where a *lady* received in society calling itself respectable, and moral, and christian, can stand forth unblushingly as the advocate of such immoral doctrines as those in her article, and be still received there, who knows but what there may be?

Having thus then, according to the nature of *her* character, (in which it appears, by her own showing, that Virgil was not much mistaken\*) advocated the necessity of a complete, uncompromising, radical and *never to be satisfied change*,—or to use her own words, a change "the desire for which will never rest till it is accomplished,"—in the social position of women, she then asks pertinently: "But what are the means to be employed to bring about this *change*?" And the characteristic answer is; "They are simple—for they are comprised in two words, education and *agitation*."

With respect to what she has written about female education, we shall make but one remark, and that is, that whatever truth there may be (and there is as usual not a little falsehood, exaggeration and bad taste) amongst her dicta on this subject, it has been already written, and in much better style, by others. The spirit, the *animus* of all *her* plans may be guessed from this; that according to her, the great object and end of female education is "to lead" women "to *insist* (!)" "on being admitted to *equal* privileges with the rest of their "fellow-beings."

Next, however, comes the consideration of the second means; and this 'Rationale of Agitation,' regarded as the production of a female pen, writing for a review long established and largely circulated amongst the higher orders of society, is so curious and striking an illustration of the state of that society itself, and, we may add, so alarming an indication of the demoralized state of public opinion on these matters, that we

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\* *Varium et mutabile semper.*

shall print it entire; and then merely request our readers to consider, what must be the mind of a society, where not only such doctrines can be circulated,—where not only a ‘respectable’ publisher can be found to admit them into a ‘respectable’ review,—where not only he calculates that the sale of his publication will be undiminished by their insertion, but, on the contrary, where he can actually make them the staple article of his number, and, in consequence, sell so many more copies of that number, as we hear he has done!

“The second instrument to be employed to effect our social regeneration is agitation: it comprises active and passive resistance.

“The active means of agitation we possess are chiefly derived from the press. Through the medium of that noble assistant to liberty we ought to accomplish great things. Discussion, in this country, thank God! is free. We need not fear we shall sustain any injury from the freedom with which we express our opinions; and could the women of this country be excited to contend for their rights, the press would become in their hands an engine of enormous power.

“Why do they not use the means that are open to them? Why do they not profit by the facility of publication to send forth works devoted to the cause of female improvement and emancipation? Let them follow the example of political and religious partisans, and take advantage of every occurrence which can be brought to bear on their present condition. Let them conduct journals and other periodical publications expressly devoted to that object. Let not a circumstance escape them. The ordinary events of the world afford abundant materials. Facts are daily made public which render sufficiently evident the injustice that women sustain at the hands of men in every relation of their lives. But no single person can effect this. It requires a combined and a strenuous effort—a general devotion to the cause—of the cultivated minds and the splendid fortunes which are now dissipated in all manner of frivolous vanities.

“It is not difficult to combine the energies of a nation. The example of political parties and of religious sects show how easily both power and funds may be attained if the will be only present;—and what a force have we in our immense numbers! No other party consists as ours does of half the population of the country! If we are individually weak, we are collectively strong. Union and association are therefore preeminently necessary for us. The very appearance of combination in a sex deemed incapable of moral energy would produce an extraordinary effect. Those who now laugh at the idea of female emancipation would find their mirth suddenly chequered when they saw associations of enlightened and determined women springing up in every town and village, and numbering thousands and tens of thousands amongst their numbers. Even those



most opposed to our views would be unable to close their eyes to the fact, that when women systematically begin to investigate their grievances, a great social revolution is at hand, and the tyranny of sex is nearly over. The instant we resolve to be free, our emancipation is half accomplished. The right to petition the legislature I believe is not denied us. Why do we not exercise that right to lay our complaints before Parliament? Let us not be abashed at the thought of the sneers that would follow the presentation of such petitions—if indeed members could be found honest enough to present them: better endure a sneer for doing too much than for doing too little. Was it not urged as a plea during the insulting debates on Mr. Grantley Berkley's motion for admitting ladies to the gallery of the House of Commons, that no petition in favour of the measure had been presented? Let us not forget how often the early petitions of oppressed classes praying for the redress of grievances have been scornfully treated by both Houses of Parliament; and yet that perseverance has in the end obtained for the petitioners more than they at first required. Need we then despair?

"I now come to speak of the passive resistance which is a principal means of agitation. The principle has been laid down that 'those who are not represented in the state are not bound to contribute to its burthens.' I think I have shown that women are not represented; and why should they not use the same means that have proved so successful in the case of the oppressed, both in England and in Ireland? What has passive resistance not done for the Catholics and the Dissenters? Would they have obtained the remission of even a fraction of their grievances, if their refusal to pay tithes, church rates, and other equally obnoxious imposts, had not made our just and wise hereditary legislators fear for themselves?

"In conclusion then let me call on my dear countrywomen no longer to remain voluntary slaves. I have endeavoured in this brief sketch to present an outline of the enormity of their grievances. I have shown that the means of redress are easy, that it remains with themselves to use those means, and that they cannot fail of success if they only are united. Let them not allow opportunities to pass unheeded. Let them commence this great work without delay; and though hope may be so long deferred that 'the heart is sick,' let them not forget that it was one of their own sex who took for her motto the words, '*Nil desperandum.*'"

If any one can read the above insane rhapsody without a feeling of abhorrence and disgust, we pity him. The idea of setting the two sexes in organized hostility against each other, and the avowed intention of this she-fire-brand, if she can, to do it, is so disgustingly atrocious, that we can find no words strong enough to express our contempt and abhorrence. Were a sufficient number of women only so far demoralized



by the counsels of such a leader as to endeavour to put them into execution, the world would be a thorough hell; all order, peace, virtue and decency would be at once banished from society; all the domestic relations and dearest charities of life would be destroyed. The *family*, the fountain of all society, would be at once and completely destroyed; and this, indeed, is the avowed object, though not as yet quite openly of this writer, yet of many of those who, in France and elsewhere, have advocated the doctrine of female emancipation. To propose to raise a feud of eternal discord and hatred throughout the whole moral world,—the true temple of the Deity,—to set “one-half of the population” against the other,—to teach wives, mothers, sisters and daughters to hate their own husbands, sons, brothers and fathers, as so many *tyrants* who hold them in bondage,—“to allow no opportunities to pass unheeded,”—to band themselves together to throw off the yoke, after the example of *religious Partisans*!—this is such a diabolical blasphemy and rebellion against the Providence of God\*, and all that is good and holy in the world, that it is impossible that any words can be found black enough to damn it, in its own true colours, to everlasting infamy. Who this human being—this person—this woman—this lady—may be, who has thus deliberately proposed to propagate such an infernal doctrine, we know not—nor have we any wish to know her. But what her name *ought* to be we know right well: she—*misanthrope*,—*man-hateress*! for certainly no one has ever come forward with more disgusting bravado of indecency and offensiveness to stir up hatred against men!

When the misanthropic Timon, he who, until the advent of this social Ate, was regarded, not without cause, as the chief and nonpareil of all misanthropes, in the first outburst of his hatred and scorn, wishes to blast the earth and all mankind with the fellest of curses, so “that *their society, as their friendship*, may be merely poison,”—he but simply expresses what are the direct consequences of this writer’s anti-social doctrines:—

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\* “To be obedient to their own husbands, that the word of God be not *blasphemed*!”—Titus, ii. 5.

" Piety\* and fear,  
 Religion to the gods, peace, justice, truth†,  
*Domestic awe, night-rest, and neighbourhood,*  
*Instruction, manners, mysteries, and trades,*  
 Degrees, observances, customs, and laws‡.  
 Decline to your confounding contraries||.  
 And yet confusion live§!"

The enormous wrongs of that noble and ruined man, "more sinned against than sinning," give as it were a poetic truth and harmony to his outrageous extravagance, and (so wonderful is the metaphysical power of the poet) make us, in spite of ourselves, to feel a sympathy for him; whereas the inflated lies, coolly *argued* out with the cold-blooded ratiocination of calculating selfishness, by this talented, celebrated, appreciated, writer, can excite no feeling within us but one of unmitigated disgust! Good God! can this woman be either a wife or a mother? Impossible! Such a woman can neither be married, nor is fit to be married. We should regard any man as still more insane, if possible, than she is, who could think of marrying a woman holding such opinions and feelings as this writer does: and if she herself, whilst holding them, could for a moment think of marrying any man, be he who he may, we should despise her as having a heart still falser and more contemptible than her head is! How is it possible that any honest woman could ever consent to go before God's altar, and pledge her vow, to love, and honour, and obey a being, whom all the while she must hate as her *tyrant and master*; and whose yoke she has secretly resolved, in her inmost soul, to throw off "at the first oppor-

\* We are inclined to believe that the word piety here is used in its primitive and general sense, and means "love—natural, moral and religious;" otherwise, there would be in the passage both an omission and a tautology; an omission of the first foundation of that society which the misanthrope is cursing to destruction; a tautology, because the more ordinary meaning of the word piety is expressed immediately afterwards by "religion to the gods." Under the word "Pious," Dr. Johnson has given, as the exposition of its second signification (though we think it should have been the first) "careful of the duties of relations," and quotes Jeremy Taylor and Pope for his authorities; though, from our earlier authors, he might certainly have found passages still more illustrative. We make these remarks on this meaning of the word piety, simply because Shakspeare's commentators are silent; and the word thus explained helps to illustrate our subject.

† The foundations of marriage.

‡ The accompaniments and consequences of marriage and the *family*.

§ The avowed wish of this writer.

¶ The inevitable result of the wish, if executed.



tunity?" Such a perjury as that none but a *she-devil* could do! Or how again is it possible that, without any feelings of real love—(and where can there be love without respect and esteem?—and how can any being respect and esteem, and so love, another who she is convinced is an odious tyrant?)—that, without any feelings of real love,—she should still submit willingly to his embraces? Such an act as that none but a *she-beast* could do! for certainly, if man *in genere* be a disgusting tyrant—(and this female tries to excite and irritate, as with an itching cantharides-blister, her sex into the sore belief of it!)—it is certain that every individual of the same kind must be so too; and, therefore, the woman who could willingly engage to live with such an one, as his wife, must necessarily be a still more disgusting slave! We repeat it, any woman who holds the doctrines of this writer cannot have the slightest idea of what is the Divine sacredness and honour of marriage,—nor is fit to engage in it!

However, if report be true, that would matter little to the advocates of female emancipation, and the *Femme Libre*! Lust may exist where love does not; and we should not be surprised to learn that this writer is as notorious for her well-known, though perhaps *non-convicted* gallantries, as the advocates of her emancipation doctrines commonly are.

To turn however from the writer once more to her writing. No doubt that women, if they chose to follow her immoral and mischievous counsels, might do considerable mischief; but let them, when they 'reflect on *these things*,' reflect also that the mischief will first and chiefly fall upon their own persons! No doubt that by avowing or countenancing the opinions of this authoress of evil, women may add to that growing distaste, of which unhappily—at least so the complaint runs—there is but too much already in the higher orders of society, for marriage. Women may no doubt make it still more the material interest of men not to marry, than it is at present;—and so may laws and legislators, when they destroy the securities of conjugal peace and permanent happiness; but what would the sex gain in the long run by that? They would only the more completely demoralize and *brutalize* society;—and in that state of *brute* force, it is plain, that the physically weaker must inevitably suffer the most!



For our own parts, abhorring the anti-population doctrines which have been lately propagated, and amongst the rest by one of the 'talented' female emancipationists; desiring, as we do, to see marriages increase and multiply instead of diminishing; believing that marriage is the highest and noblest estate possible for a race of social and human beings;—believing, moreover, that the only sure test of the virtue and happiness of any nation is, when the majority of its members do and can marry with a prospect of happiness;—still we confess that we should look at any man who could venture to marry a woman holding the doctrines of this writer, as but one step removed from insanity; and we should counsel him, before he does complete the desperate act, at all events to provide apartments in a place where he may fitly spend his honeymoon—to wit, a lunatic asylum.

No doubt, the doctrine of passive resistance,—which, as this 'experienced' female notably observes, is a principal means of agitation in the hands of able agitatrices,—may be made a very tempting one. But if this propagand of agitation and passive resistance, and female emancipation be carried on, we may perhaps be tempted, though it would not a little irk us, to expose, for the warning of our readers, in some future number, what has been so often meant by female emancipation, by an *exposé* of the lives and esoteric doctrines of some of its more 'talented' propagators! We think that the logical connection of theory and practice thus represented, would be quite sufficient to convince every virtuous and honest mind!

Miss Martineau and other 'talented' female writers have advocated a community of goods; and some people have been taken by their eloquence! This 'talented' writer (together with other female emancipators, and amongst the rest Miss M. again) has not illogically coupled together the institutions of property and marriage. But though the conclusion aimed at be evident, we apprehend that if this *exposé* were published, few readers, however much charmed by such 'talented' eloquence, would be willing to admit all the consequences, and come to the conclusion of a community of women; for that this is the necessary logical conclusion from the other two propositions, (*viz.* that all property ought to be in common, and that the sexes are entirely equal) is demonstrable

and certain; and that practice is the resultant of theory, is equally so.

Without going then a hundred miles from London, or raking up the vices of past centuries, we think we should be forced to mention to them a few facts about the propagandists of this female emancipation, that would astonish our uninitiated posterity, and have roused up the indignant abhorrence of our more virtuous or less refined ancestors;—facts which, to employ for our purpose a verse somewhat altered from Milton,—

“ Would make old Guy of Warwick stare and gasp ! ”

They would then understand, either from the facts that have been *laid bare* in criminal trials, or from the published confessions of renegade St. Simonians, and other such secret worshippers of the “dark-veil’d Cotytto,” both in France and *moral* England, what is meant by female emancipation, opportunities, resistance, &c., with the whole doctrine of agitation, both active and passive.

Meanwhile, as we have no wish to undertake the painful task of that stern revealer Tacitus, and still less those of Suetonius and Juvenal, we shall content ourselves for the present with having made this, our deliberate protest, against the further propagation of this immoral doctrine of sexual equality. For this in fact is *the root*, the theoretical root, (a root with “a vitality of poison” in it) of all this practical agitation and immorality; and we are convinced that every honourable man and virtuous woman will thank us heartily for the complete, and we fear not to say, unanswerable exposure of Serjeant Talfourd’s Bill, in which, if we are to believe the parliamentary expositions of its framer, this doctrine is, and was intended to be, directly embodied!

The article we have exposed above is nothing more nor less than a *rifacimento* of the 7th section of the third chapter of Miss Martineau’s Society in America: from that section, entitled “Political Non-existence of Women,” the authoress of the article, whoever she be, seems to have derived all her arguments—minus indeed some absurdities of ratiocination, which are peculiar to Miss Martineau. Next to Mary Wollstonecraft, and Frances Wright from America, we believe Miss



Martineau to be the propagandist of the sexual equality most notorious in our days, and in this country. Other renowned agitatrices are the Hon. Mrs. Caroline Norton, who is understood to have circulated a work on this subject; and Lady C. Bury, of whom still less need be said, if, as our contemporaries the Edinburgh and Quarterly Reviews have publicly accused her, she be indeed that *Lady of Honour*, authoress of the foulest and most infamous publication of *treachery* that has ever yet appeared in England! for amongst the other disgusting and abominable characteristics of that vile work of scandal-mongery, we find also the repetition of *these doctrines*!—fit receptacle for such things!—though there they are not argumentated as Miss Martineau and the writer of this article do it, but sentimentalized: e. g. speaking in her own person, she writes,—“As it is the interest of the stronger sex “to subdue women mentally and personally, at least we imagine “that it is so,” &c. v. i. p. 346. and putting into the mouth of her royal mistress, queen of England and post-prandial horn-maker in ordinary to his majesty the king! (as her lady of honour describes her to be)—“Punch’s wife is nobody when Punch is present.”—“Married love never lasts; dat is not in de nature.”—“When I *will* do anything, by G— I do’ot!”

When works, containing sentiments, and doctrines, and phrases such as these, are continually issuing forth from the press,—not, as one would suppose, edited by the lowest inmates of the purlieu and stews of St. Giles’s, to which they would be a disgrace; but by high-born ladies,—the proud inhabitants of aristocratic St. James’s,—ladies received in society, and at the court, in that place of honour, the observed of all observers, which gives the tone and manner to all the higher classes, and consequently to all beneath them,—we think that it has become high time no longer to let pass *sub silentio*, and thus become daily more and more current, but to animadvert on and expose, the *falsehood* and *immorality* (for nothing that is false can be moral!) of these so generally received and believed sentiments and doctrines! If, in doing this, we have used strong language, (for we confess we are not of those who can see the morality of “sugaring over vice” for the devil to suck at with his sweet and liquorish tooth for a bit



of well-candied sentimentality!) let those who are shocked be assured that we have only done it *from necessity*. In times like these, if a stop is to be put to the insinuations of vice, things must be called by their right names. Let those then who pretend to be shocked with our strong language, read the still stronger employed by such divine and pure-minded moralists as Isaiah and Milton; and let those who, though not shocked by the thing, are so with the name,—though not horrified at the truth of the deeds, from their long practical acquaintance with them, may yet well tremble for the exposure of the doers,—be persuaded, while it is yet time, that we have used these strong expressions in *mercy*. We have no desire, if they only desist from attempting to demoralize the public mind by the publication of such doctrines, to say a word more about them or their publishers; but if we are compelled, we shall not scruple to use language still stronger, and to lay bare vice to the skin and bone.

When Dante, during his journey through Purgatory,—the real symbolic representative of Man in the purgatorial world we live in,—fell into a dreamy languor, and was almost overcome in his high and arduous resolutions after the Good and Beautiful, by the subtle discourses of that sweet syren Vice, another, his own true Lady, appeared to him; and delicate, and pure, and holy as she, this fair and glorious Virtue, is

“L’ altra prendeva, e dinanzi l’ apriva,  
Fendendo i drappi, e mostravami ’l ventre;  
Quel mi svegliò col puzzo che n’ usciva!”—c. 19.

When all else has failed to reform them, people must be made to see and smell the foulness and stinkingness of the well-draped lie which is the poisonous source of disease at the bottom of all their vices; and if that does not disgust them, and make them wake up and turn away from it with abhorrence, *Væ mundo!* for nothing but hell will.

*Postscript to Article III.*

Since the remarks made in this article were written, events have proceeded rapidly to the consummation continually predicted by us, and to the ruinous exposure of that policy which has for some time ruled the vacillating cabinet of England, in relation to our foreign affairs. Egypt, ripe for rebellion and backed by Russia, has at last openly solved the problem, and the opposing interests are now in presence of each other. No less than one hundred and eighty-four members, out of a house of three hundred and eighty-four, have decided that Lord Palmerston's conduct in the affair of the Vixen was disgraceful to this country; and in the house and the political circles, the discomfiture of the noble lord was greater than can be conveyed merely by the announcement of the respective numbers that voted. Meanwhile the commercial classes (that vast and influential body to whose will kings, lords and commons must, in the long run, bow) have openly expressed their sense of the protection given by the foreign office to our merchants, and will inflict severe castigation upon that minister whose *nonchalance* cannot condescend to weigh the value of a schooner of a few tons and a cargo of a few hundred weight of salt. Had his late royal master lived, he would ere this have learned that the English flag must be respected though it fly over no more dignified a craft than a cock-boat; and that an English merchant is to have redress for injury, whether his cargo be worth thousands of pounds or dozens of pence only!

To this affair of the Vixen we shall return in our next number, as there are still numerous misrepresentations to be cleared away. But in the meantime, we print the evidence of our assertion, that the commercial interests are rousing themselves at last to a sense of the ruinous and degraded condition to which our diplomatists have brought us. The following address from that great and influential city of Glasgow is but the first of a long series of similar remonstrances from other great commercial constituencies.

*"To the Queen's Most Excellent Majesty, the humble Address of the undersigned Merchants, Manufacturers, Bankers, Ship-owners and others, of the City of Glasgow.*

"May it please Your Majesty,

"We, Your Majesty's Loyal Subjects, approach Your Majesty with feelings of the deepest respect, and with sentiments of unfeigned homage and attachment to Your Majesty's Royal Person and august Family, being firmly persuaded that whatever affects the glory of that mighty Empire, over which Providence has called you to rule, or the interests of Your People, with which that glory is inseparably united, will instantly recommend itself to Your Majesty's gracious attention.

"We humbly, yet earnestly beseech Your Majesty, therefore, to consider the present depressed condition of the Commercial and Manufacturing interests of Great Britain and Ireland, coincident as that depression is with the alarming progressive diminution of our Foreign Trade—the increasing deficiency in the Public Revenue—the exclusion of our Commerce from Countries which have been open from time immemorial to British industry—the unredressed injuries inflicted by Foreign States on our Commerce—by infraction of treaties—by restrictions on our trade, and insults which they have been permitted to offer with impunity, to the National Flag.

"Feeling that, as Sovereign of this Empire, Your Majesty has the first and deepest interest in the public welfare and the national honour, we are assured that Your Majesty will deem these subjects of unspeakable importance, and will condescend to listen to the prayer of Your Subjects, that an immediate inquiry should be instituted into the causes of that rapid declension of prosperity, which we have thus brought under Your Majesty's notice.

"We would respectfully advert to the loss of external respect, which has followed from the system of Diplomacy which has been pursued for a series of years.

"The consequences of that Diplomacy have been to leave us defenceless in every quarter of the World; to compromise the existence of Turkey, as an independent Sovereign Power,



and thereby to destroy the natural barrier to encroachments on the East of Europe—to abandon Circassia, the bulwark of our Indian possessions, to the conquest of Russia—to reduce Persia to the condition of a Russian dependency—to exclude the British Merchant entirely from the coasts of the Black Sea, where a most lucrative trade could be carried on—to enable the Dutch Government to evade the obligations of a treaty (1824), and to impose illegal duties on our exports to Java, whereby many of us have been deeply injured—to tolerate the establishment, in Africa, of a French Colony, an enterprise contrary to a specific treaty—to exclude our Manufactures from the European markets, by a high scale of duties, contrary to existing treaties—to tolerate encroachments on our Fishing Grounds at Newfoundland, and even on the British Coast—to permit the destruction of the ancient nationality of Poland, and the independence of Cracow—to annihilate the British claims on Greece: We pass over the difficulties in which this Country is involved as regards our relations with Spain and Portugal, with the United States of America, with the Empire of Brazil, and the Government of Mexico.

“In bringing these subjects before Your Majesty, we entertain a confident assurance, founded as much on the high character of Your Majesty as on the example of your Royal predecessors, that you will use your power and influence to cause foreign nations to respect those treaties which they have contracted with Great Britain; and that it will be a gratification to Your Majesty to extend Your protection to the Merchants and Ship-owners of your native Country.

“If the power of Britain has declined in the eyes of other nations, and we grieve to add that such is our impression, it can only be attributable to the supineness and ignorance of those whose duty it has been to watch over our external connections.

“We, therefore, under the solemn conviction of our present alarming position, humbly implore Your Majesty to demand and obtain redress for the injuries and insults offered to our Flag; to maintain the rights of British Commerce against any Power which may presume to infringe thereon; and to uphold the national character, by a display of that

vigour and energy which should always distinguish the Councils of this great Nation.

"We have only to express our hope, that Your Majesty will not pass our prayer unheeded, or permit our wrongs to remain unredressed; and, with the most profound feelings of respect and devotion to Your Majesty's Crown and Person,

*"Glasgow, June 1838."*

*"We shall ever pray."*

Such an address, probing the very core of the evil, is worthy of the enlightened citizens of so great a town; it is worthy no less of the clear, strong sense and active practical character always justly attributed to our Scottish brethren. But there is one thing for which it is still more to be admired, and which renders it one of the most important documents of our times, one of the most satisfactory evidences of our progress towards a saner social and political state: it has proved that national interests are not yet lost in sectional and party squabbles, and that both tory, whig and radical can unite in one firm bond, when the honour, name and prosperity of England are compromised by the incompetence or treachery of her rulers. To this address are attached the names of four hundred and fifty-nine firms and individuals, distinguished alike by their practical strong sense, the greatness of their stake in the country, and the party feelings which they have thus abandoned for a national object.

The remarkable movement which has now commenced in the commercial community, and the threatening aspect of our foreign policy and external trade, lead us to remark the extraordinary circumstance of the indifference of the metropolis to questions of such magnitude, and to considerations which have so deeply affected the community of an outport in the north of the island.

The explanation of this phenomenon, and of the general decline of the prosperity of the metropolis, as compared with the outports, is to be found in the absence of all union and of all concert in the mercantile community of London. Our readers, not commercial, are probably ignorant of the fact, and will be astounded to learn it, that in London there is no Chamber of Commerce! It is evident that, without some such municipal or conventional organization, though there

may be tens of thousands of wealthy merchants, a community of merchants cannot be said to exist.

We rejoice to learn that the institution of some such body is now in contemplation ; and, looking at the utter worthlessness of the executive Government, the whole community, scarcely less than that portion of it which is engaged in traffic, is interested in the creation of a power, distinct from party, and of a representation of those interests through which we have a national existence, and through the actual degradation of which our national existence is threatened.

END OF NUMBER XIII.



THE  
BRITISH AND FOREIGN  
REVIEW.

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ARTICLE I.

*Obozvenie Rossiyskikh Vladenii za Kavkazom, v staticheskome, etnograficheskom, topograficheskom i finansovom otnosheniiakh.* Proizvedennoye i izdannoye po vysochayshemu soizvoleniyu. St. Petersburg, 1836.

*A Survey of the Russian Possessions beyond the Caucasus, in statistical, ethnographical, topographical, and financial respects.* Composed and published by supreme authority. St. Petersburg, 1836. 4 vols.

THE immense progress which the power of Russia has made during the last fifty years has already attracted the attention of all Europe, and its probable consequences have been canvassed over and over again by many writers in this country, as well as on the continent. Yet we may say, without exaggeration, that the field on which Russia is advancing towards the completion of her gigantic schemes is but little known, although it has been described by travellers of different times and nations. The most important part of the above-mentioned field is certainly the Caucasian Isthmus, i. e. the tract of land comprehended between the Caspian and the Black Seas, the complete possession of which ensures to Russia a paramount influence over the affairs of Turkey and Persia; whilst the undisputed command she exercises over the Caspian establishes her ascendancy over the adjacent regions of Central Asia.

The Caucasian Isthmus has been explored by several tra-

vellers. Chardin, who visited it in the seventeenth century, has left an interesting account of Georgia; in the eighteenth century it was visited and described by Herber, Guildenstett, Reinegs, Gmelin &c.; in our century by Marshall, Biberstein, Klaproth, Broniewski, Gamba, Belanger, &c.; but unfortunately the descriptions of these travellers are often contradictory, and generally very unsatisfactory. Klaproth, who has been hitherto regarded as the best authority, gives in his travels, as well as in his interesting little work *Le Tableau de Caucase*, very little information respecting the commercial and financial capabilities of the Transcaucasian possessions of Russia. Gamba, whose object was professedly to explore the commercial state of that country, in which he resided for some years as consul-general of France, is very unsatisfactory in many respects; he has even made some very incorrect statements\*, which might be accounted for either by his ignorance of the language, or by the jealousy of the Russian authorities, who withheld from him official information; although, if we are to trust his relation, he had no reason to complain of those authorities.

The work which we have prefixed to our present article is the first of its kind. It is compiled with great care from official documents, and an attentive perusal of it induces us to think that the statements it contains are remarkably fair. The name of the author is not stated, but the description of some of the provinces was made by Mr. Legkobeetafi, who has been a long time employed in the Transcaucasian provinces, and who is the author of several well-written articles on those countries, inserted in the *Encyclopedical Dictionary* now in progress at St. Petersburg.

The avowed object of the work is to acquaint Russia with the importance of her Transcaucasian possessions, and it indicates pretty well the value which those provinces begin to have in the eyes of the Russian government. The introduction commences with the following words :

"The provinces which Russia possesses beyond the Caucasus constitute

\* For instance, Gamba asserts that the province of Baco produces 12,000 poods of silk (a pood is equal to 36 English pounds), though there is no silk at all produced there. Balbi, in his *Abrégé de Géographie*, states, probably on the authority of Gamba, that the province of Baco is particularly remarkable for the great quantity of silk it produces.

only a hundred and sixtieth part of her territorial extent ; and the number of the inhabitants of those provinces does not surpass the fiftieth part of the whole population of Russia. But this comparative smallness of extent and population must not deprive the Transcaucasian region of its just claim to the attention of Russians. That country is important from its geographical position, its climate, and the nature of its soil ; it is important from its natural capabilities and political relations ; it deserves to be studied from the diversity of languages, religions, manners and customs of its inhabitants ; and it has been dearly bought by the many and long efforts of which it has been the object on the part of Russia."

We entirely agree with the Russian writer in the opinion which we have now quoted, as well as in the truth of the following statement ; the importance of which, found as it is in a Russian work printed under the especial authorization of the Emperor, will not escape those who have followed us in our career of opposition to the ignorance or treachery which have placed the interests of this country at the feet of Russia :

" Let foreigners imagine that Russia makes acquisitions beyond the Caucasus to her own injury ; the hollowness and fallacy of such a notion are so evident as hardly to deserve a refutation. Such an opinion is much too *one-sided*, even if not absolutely without foundation in fact ; it is *one-sided* because short-sighted minds have not understood or wished not to appreciate the real advantages of that country. Russia, by establishing her dominion beyond the Caucasus, has gained a firm footing in Asia, and acquired by this a decisive political influence over the two adjacent powerful empires, Persia and Turkey."

Nothing can be more sound, more true, than this judgement, pronounced by an intelligent Russian, and ratified by the *imprimatur* of his emperor ; and yet there are many in this enlightened country, ay, and among them men in high station, and with great pretensions both to statesmanship and enlightenment, whose *short-sighted* minds take of that question the very *one-sided* views which are most deservedly ridiculed by the Russian writer. Happy for us if, when their views become enlarged, it may still be possible to prevent Russia from accomplishing those gigantic projects which her far-sighted policy has framed for the destruction of our political and commercial influence in Asia, and which she here does not scruple, in part at least, to avow.

Although the Transcaucasian provinces of Russia present a great variety of interesting subjects, we shall limit ourselves



for the present to the investigation of their importance to her in a commercial, financial, and political point of view.

We shall abstain from entering into a detailed description of the relations which existed between the Transcaucasian countries and Russia previously to the subjugation of the former by the latter. These relations begun in the sixteenth century, when the rulers of Georgia, being constantly oppressed by the Persians and Turks, sought protection from the Czars of Moscow, professing the same creed as themselves. It is rather a remarkable circumstance, that it was one of our own countrymen who was instrumental in establishing the political relation between Georgia and Muscovy\*.

All the attempts, however, which were made by the Czars of Muscovy, to establish their power beyond the Caucasus, proved abortive until the time of Peter the Great, whose genius perceived the advantages which Russia might derive from extending her dominion in that direction, and planned the great scheme of establishing a regular intercourse with India by the most direct line overland. On pretext of avenging the massacre and plunder of some Russian merchants by the Lesghees, which happened in 1718, and of assisting the Persian Shah Tamash against the Afghans, Peter, in 1722, entered the Persian provinces, situated on the western shores of the Caspian Sea, at the head of 100,000 men. He took Tarkoo, Bacoo, and Derbend, and concluded a treaty with the ostensible minister of the Shah, who ceded to Peter, for the promised assistance against his enemies, the provinces

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\* Jenkinson, who was sent by Queen Elizabeth to Russia: he relates himself the following circumstance:—

"And during my abode in Sheemeechi, there came unto me an Armenian, sent from the King of Georgia, who declared the lamentable estate of the same King; that being inclosed between these two cruel tyrants and mightee princes, the said great Turke and the Sophie, he had continuall warres with them: requiring for the love of Christ, and as I was a Christian, I would send him comfort by the said Armenian, and advice how he might send his ambassadour to the said Emperour of Russia, and whether I thought he would support him or not, and with many other wordes requiring me to declare his necessitie to the said Emperour at my returne. Adding farther, that the same king would have written to me his minde, but that he doubted the safe passage of his messenger; unto whom I did likewise answer by word of mouth, not only persuading him to send his ambassadour to Russia, not doubting that he should find him most honourable, and inclined to helpe him; but also I directed him his way how the said king may send by the country of Chircassie, through the favour of Tenezat, king of the same country, whose daughter the same king had lately married."—Vide *Hackluyt*, vol. i. p. 350.

of Daghistan, Shirvan, Ghilan, Mazanderan, and Astrabad. These provinces were accordingly occupied by the Russian troops; but the assistance which was their purchase-money, was never given, and the treaty under which it might have been claimed was disavowed by the Shah. The successors of Peter the Great, however, did not understand the value of his acquisitions, and they were restored in 1732, by the Empress Anna, to Shah Nadir.

The kings of Georgia, which now constitutes the most important portion of the Russian provinces beyond the Caucasus, had been vassals of Persia since the fifteenth century. Heraclius, son of Tamaras, king of that country, was educated at the court of Nadir Shah; he learned the art of war under that celebrated conqueror, whose especial favourite he was, and whom he accompanied on his expeditions to India\*. The favour of Nadir enabled Heraclius to increase his power so much, that after the death of his benefactor he not only asserted for some time the independence of his country, but even compelled the neighbouring khans to acknowledge his supremacy and to pay him tribute. Heraclius was, however, more of a warrior than of a politician, and he involved himself in many difficulties by various injudicious measures. In 1769 he joined a Russian expedition sent to assist the king of Immeretia against the Turks; but being abandoned by the Russians he was thrown into a very dangerous situation, from which he extricated himself with great difficulty. The conduct of the Russians towards him on that occasion did not prevent him from afterwards seeking their assistance, which finally proved fatal to his dynasty. In 1783 he entered into a formal treaty with Catharine II. by which he acknowledged himself a vassal of Russia, who guaranteed to him not only his actual possessions, but also whatever he might conquer in future†. The protection of Russia

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\* We refer those of our readers who may take interest in that romantic character, to the letters from the Caucasus and Georgia, published by Mr. Murray in 1828. They were originally written in German, by Mad. Treigany, who accompanied her husband, sent on a diplomatic mission from the Court of St. Petersburg to Abbas Mirza, in 1812. M. Treigany is supposed to have taken part in the literary labours of his lady. And for still more definite and important information respecting these transactions, we refer them to a pamphlet published by Mr. Murray under the title "Progress of Russia in the East," by a diplomatist of first-rate talent and profound acquaintance with the Eastern question.

† For the details of the treaty vide *Malcolm's History of Persia*, vol. ii.



did not, however, prevent the Persians from invading Georgia, where they committed the most terrible devastations in the year 1795. In 1801 Georgia was declared a Russian province\*; in 1803 the khanat of Ganjah, now called the district of Elizabethpol, was taken possession of by Russia; and in 1805 Immeretia was deprived of its political existence, and incorporated with the Russian dominions. By the treaty of Gulistan, 1813, Persia ceded to Russia the khanats of Sheki, Shirvan, Karabagh, Talish, Baco, Cooba, and Derbend. The treaty of Turkmanchay, concluded with Persia in 1828, gave to Russia the Armenian provinces of Erivan, Nanhischevan and Ordubad, and fixed as its frontier the course of the Araxes. By the treaty of Adrianopol, 1829, Russia acquired from Turkey the pashalic of Akhalzik. Thus Russia has incorporated with her dominions, in the short space of twenty-eight years, 154,000 square versts of land†, with a population of about one million and a half‡. Besides these provinces administered by Russian authorities, and considered as an integral part of the empire, Russia claims a protectorate over Mingrelia, Abassa or Abhasia, the Lesghian tribes, and several principalities of Daghistan. Some of those countries are entirely under Russian influence; but in Abhasia§, even according to Russian writers, it is merely nominal.

\* Vide *Progress of Russia in the East*.

† 105 versts are equal to a degree; consequently 3 versts equal 2 English miles.

‡ The statistical tables appended to the work in question give the following results respecting the Russian provinces beyond the Caucasus.

	Houses.	Male inhabitants.
1. Grusia or Georgia Proper contains .....	63,801	225,395
2. The military district of Musaulman provinces .....	71,565	202,931
3. Military district of Daghistan.....	19,971	68,121
4. Pashalik of Akhalzik, and the Armenian provinces ...	36,771	102,016
5. Immeretia .....	21,787	81,014
6. The province of Djuree and Belakani .....	13,389	46,680
Total.....	227,284	726,177

The correctness of this statement is not vouched for by the author, and he gives it only as an approximate estimate; the total population, male and female, may be therefore calculated at about 1,500,000 souls.

§ Vide the articles *Abhasia* and *Adighe* in the Russian Encyclopedical Dictionary which is now in progress of publication at St. Petersburg. *Adighe* is the name by which the Circassians call themselves.



The following general observations which the author makes on the conquest of the Transcaucasian provinces by Russia, give in a few words a very correct view of the subject in question :

" Acquisitions of a similar kind have always and everywhere been purchased at the price of blood. It was the same in the present case ; in the beginning, the preservation of the countries which submitted to the rule or protection of Russia, and afterwards the maintenance of her power beyond the Caucasus, exacted from her great sacrifices. The frequent wars with the powers bordering on the Transcaucasian regions, and the unceasing warfare with the mountain tribes, occasioned a dreadful loss of men and money. The passage of troops from one climate to another was still more destructive, from the neglect of precautions, by which it might have been possible to avert the fatal consequences of the rapid changes of atmosphere. To those destructive causes it is impossible not to add internal revolts, which are the unavoidable consequence of every change of an order of things consecrated by time, and of the introduction of new institutions."

Although the Russian cabinet made great efforts to establish its dominion beyond the Caucasus, it seems for a long time not to have understood the real value of those possessions, and the great advantages which it might derive from them. The policy pursued in the administration of the Transcaucasian provinces had no fixed plan, and depended more on the individual views of the persons who were charged with their government, than on any system adopted by the imperial cabinet. It was only in 1827 that the minister of finances, Cancrin, presented to the emperor a project which contained the following leading points :

" The Transcaucasian provinces may be considered as a Russian colony, and they ought to afford her great advantages, by sending to her the productions of southern climates. Nothing, however, has been done for the attainment of this object. It is, therefore, proposed to direct the attention of the government to the following objects : 1. The organization of the different provinces which constitute the Transcaucasian possessions, and which still remain on the former Asiatic footing, unfavourable in many respects to the development of the capabilities of the country. 2. The administration of the government property. 3. The improvement of agriculture, increase of the cultivation of silk, cotton, olive-trees, rice, and many other productions proper to a southern climate ; improvement of manufactures of different kinds ; organization of a militia, composed of the inhabitants themselves, which would prevent a great loss of men and money, and partly release the inhabitants from the present military charges. 4. The organization of the mining department."

This plan was approved by the emperor, and a commission was named towards the end of 1828, in order to investigate the Transcaucasian provinces in a statistical point of view. The labours of that commission were completed in the beginning of 1835, and the work which we are now reviewing is composed upon the data furnished by them.

The staple produce of the Transcaucasian provinces is,

1. *Silk*.—Its cultivation is in the most wretched condition, and has not improved since the establishment of the Russians there, although the tax levied upon mulberry trees was abolished by an ukaze in 1830: the whole annual export of silk from those provinces does not exceed 15,530 poods, or 458,000 English pounds\*. An Italian of the name of Castella had introduced the Italian manner of preparing silk; he was prevented by death from giving full development to his enterprise, and the establishment he had formed belongs now to the government, by whom it is employed as a school, for teaching the natives to prepare silk in the European manner, which is far superior to that now used by themselves.

2. *Cotton*.—The province of Erivan, acquired from Persia by the treaty of Turkmanschay in 1828, produced under the Persian government more than 57,000 poods, and now it produces only 15,000. The whole of the Transcaucasian provinces export annually only 36,000 poods, of very inferior quality. The natural capabilities of the country offer a possibility of increasing the production of this valuable commodity to an extraordinary extent.

3. *Wine*.—The vine is an indigenous plant of these regions, being found every where growing wild. The Russians found on their arrival a great number of rich vineyards, particularly in Kakhet, Shirvan, and Derbend, but their condition has not been improved since, and the manner of making wine remains unchanged. The Transcaucasian provinces produce annually about 3,888,000 vedros of wine, and 140,000 vedros† of brandy. The district of Telav alone furnishes to this quota 2,000,000 vedros of wine and 75,000 vedros of brandy (Immeretia is not included in this estimate). This

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\* A pood is equal to 36 English pounds.

† A vedro is equal to three English gallons and a quarter, wine-measure.



quantity of wine and brandy is entirely absorbed by the internal consumption, which is enormous; for the town of Tiflis alone, with a population of 23,000 inhabitants of both sexes, and a garrison of about 9000 men, yearly requires 700,000 vedros of wine, besides much brandy, which last is chiefly consumed by the Russians.

The grapes produced by the vineyards of the Transcaucasian provinces present a great variety of kinds. Those that are grown in Kakhet, yield a wine which resembles the best species of Burgundy; and specimens of Georgian wines have been sold in Moscow at 3s. 4d. the bottle. It is supposed that the province of Kakhet may also produce wines similar to those of Madeira and Oporto. There can be no doubt that, if the production of wine in the Transcaucasian provinces should receive all the development of which it is capable, it may supply not only the consumption of Russia, but even export to other countries.

4. *Rice*.—The culture of this valuable plant has not manifested any improvement since the establishment of the Russians: it yields, however, an annual produce of about 130,000 chetverts\*. It will be materially improved by the introduction of the China rice, which requires no watering.

5. *Saffron*.—The province of Bacoo alone produces yearly about 1000 poods (equal to 36,000 English pounds) of saffron. Although its natural quality is excellent, its preparation is so wretched, that it fetches no more than 8 francs a pound, whilst that grown in France sells at the high price of 50 francs a pound. But some attempts which were made at Bacoo to prepare saffron in the European manner, produced, in spite of most indifferent management, a commodity which was sold at 25 francs a pound. This shows to what extent this valuable branch of agricultural industry might be carried.

6. The Transcaucasian provinces produce a great quantity of *Madder* (garance); it is collected in a wild state, and employs many families, who live by the manufacture. It is cultivated at Derbend, whose inhabitants are devoted to its production, from which they derive considerable profits. Since 1807, without receiving any sort of encouragement from

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\* 100 chetverts are equal to  $74\frac{2}{3}$ ths quarters English.



the government, the inhabitants of Derbend have increased their plantations of madder to such an extent, that in 1832 their produce amounted to 35,000 poods, valued at 280,000 silver roubles, or 46,666*l.* 12*s.* 5*d.* This branch of industry is now the universal occupation of the inhabitants of Derbend, who begin to be imitated by those of Tabasseran, Kagtay, and Cooba\*; a fact which evidently proves the capacity and willingness of the natives to employ their industry upon a field which rewards their labours by a fair profit.

7. The Armenian provinces, which form the southern part of the Russian possessions beyond the Caucasus, produce a kind of *Cochineal*, which gives a dye equal to that which is extracted from the cochineal of Mexico. As soon as the Russian government had notice of the existence of this precious commodity in its dominions, it gave immediate orders to all the Russian consulates in Europe and America, to find out and engage persons thoroughly conversant with its management; and there can be no doubt that in a short time Russia will be enriched by this new branch of a most profitable manufacture.

8. *Live Stock.*—The Transcaucasian provinces afford great facilities for the maintenance of extensive herds. The provinces of Shirvan, Cooba, Talish, and Elizabethpol, contain about 1,700,000 heads of sheep, but their wool is exceedingly coarse. Some attempts were made to introduce the Merino sheep, but they failed through the ignorance of the persons who undertook the task. There can, however, be no doubt that the race of sheep in those parts may be brought to the greatest perfection by proper management. The cattle reared there is also at present of a very inferior kind, and its number is estimated at 900,000 heads. The province of Karabagh produces a fine race of horses, a mixture of the Persian and Tatar breeds. There is also in those provinces an abundance of camels, asses, mules, and swine.

Such is the present state of the productions of the Transcaucasian possessions of Russia, under the most unfavourable circumstances. Let us now examine to what probable extent it might be increased under the care of a wise administration.

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\* All these provinces are situated on the shores of the Caspian sea.

We have already shown that the geographical situation of the Transcaucasian provinces affords every facility for the production of the most valuable commodities which are exclusively furnished by southern climates. As an instance of the extraordinary capabilities which those countries possess for the production of what are commonly called colonial goods, we will take the small territory of Salyan, which although called an island, is in fact nothing but the Delta of the Koor, being washed by the Caspian Sea, and the two branches of the above-mentioned river. Its greatest length is fifty-seven versts, and its greatest breadth about forty-two; its surface contains more than 750 square versts, or more than 78,000 desiatines. The ground is composed of a mixture of sandy loam with black vegetable soil. Its centre lies under lat.  $39^{\circ} 20'$ , which is only  $47'$  more to the north than Lisbon, and  $2^{\circ}$  more than the Persian provinces of Ghilan and Mazanderan, where the sugar cane is grown; the mean term of its temperature is  $15^{\circ}$  Reaum., or  $65^{\circ} 75'$  Fahrenheit. The united circumstances of a warm climate and fertile soil render the place eminently fitted for the production of silk, cotton, rice, tobacco, saffron, and other commodities of a southern climate; but in spite of these favourable circumstances, Salyan produces now only a very limited quantity of silk, wine, rice, and cotton, and has a population of only 6950 male inhabitants. It has been calculated by an intelligent person thoroughly conversant with the locality, that if 15,000 desiatines, which is less than the fifth part of the whole surface, were laid out in mulberry plantations, they might produce as much silk as is now exported from all the Transcaucasian provinces, (the quantity of which is 15,500 poods,) and make Russia entirely independent of foreign silks, of which she now imports nearly 16,000 poods, to the value of about 1,000,000*l.* sterling English money. Secondly, if 40,000 desiatines were employed in cultivating cotton, about 600,000 poods might be produced; whilst all the Transcaucasian provinces furnish now only 36,000 poods of this important article, of which Russia imports yearly 730,000 poods from abroad. Thirdly, if 5000 desiatines were employed for the growth of indigo, 6000 poods of it might be produced. The attempts which have been made at Tiflis, situated  $2^{\circ} 20'$  farther north



than Salyan, to cultivate indigo were completely successful, and evidently prove that this important article of commerce may be produced with the greatest advantage, notwithstanding the sneers of even so great an authority as Klaproth\*.

If such immense results may be in all probability obtained from such a little territory as that of Salyan, what may not be expected when the capabilities of all the Transcaucasian provinces are duly developed! The facilities for the cultivation of the products we have enumerated are by no means confined to Salyan. The plain of Talish, which extends in length about 175 versts, on a breadth varying from 3 to 60 versts, contains a surface of more than 750 square versts of land, not less fertile than Salyan, and having besides great facilities for irrigation. This is, however, nothing in comparison to the great plain of Koorin, which extends over the provinces of Shirvan, Karabagh, Shekin, and Elizabethpol, and contains a surface of more than 8710 square versts (about 5900 English square miles) of land, capable of producing all the above-mentioned commodities. Besides these plains, there is much valuable land amongst the mountains, to say nothing of the slopes of the hills, admirably adapted for the cultivation of the vine.

Such are the natural capabilities of the Transcaucasian possessions of Russia, and we may say, without fear of incurring the charge of exaggeration, that they await only favourable circumstances to take such a development as to realise the fable of the golden fleece of Colchos, the name by which the ancient Greeks designated a part of those regions.

When we consider the internal wars, the oppressive yoke of barbarous conquerors, and the unceasing forays of the mountain tribes to which those countries have been exposed for centuries, almost without interruption, we shall no longer wonder at the wretched condition of the inhabitants, who having never been sure of their property, had no stimulus to increase by protracted exertions wealth which, instead of procuring them enjoyments, exposed them to the exactions of their rulers and the rapacity of their neighbours. It is true,

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\* "Un Anglais, vraisemblablement mauvais naturaliste, se berce de l'espérance chimérique, d'y pouvoir établir des plantations d'indigo," says Klaproth, speaking of the province of Ghooriee. Vide *Tableau du Caucase*, page 134.



that the internal commotions and the predatory incursions of the highlanders, which constantly distracted the country, have ceased in great measure since its occupation by Russia; but the old financial system (a system of a most preposterous nature, and which has done us much harm to the country as the troubles and invasions by which it was desolated) has not yet been abolished, and continues to grind down the energies of the land.

It is almost impossible to imagine a more vexatious and unprofitable mode of taxation than that which has existed for ages, and still prevails in the Russian possessions beyond the Caucasus. It has not been the invention of the fiscal spirit of a firmly established government which systematically robs its subjects, but far more the fortuitous growth of accidental circumstances.

There is a great variety of imposts called *Rahtar*. *Rahtar* is a Persian word, signifying properly a duty on foreign merchandize; but since the several petty states which now constitute the Russian possessions have been united into one, the *rah-tars* which had been paid on the importation of the productions of one state into another, have continued to subsist as a kind of internal tax or *octroi*, in addition to many others assessed on almost every kind of manufacture, and produce, from objects of the greatest luxury to those of the meanest description.

Almost all the Transcaucasian provinces except Immeretia are subject to a house or hearth tax. In Georgia Proper there are seventeen denominations of pecuniary taxes, besides seven paid in corn. The province of Cooba has six kinds of pecuniary imposts, one of which varies from two to sixteen silver roubles per house. The province of Sheki has sixteen denominations of pecuniary taxes; such for instance, as, for chaff, for chickens, for eggs, for presents given on holidays, &c. In the province of Shirvan there exist four kinds and thirty-one articles of taxation, paid partly in money and partly in produce. In the province of Talish there are twelve kinds of taxes paid on produce. In Karabagh there are nine kinds of imposts, paid in money and produce. The several instances which we have now enumerated give a pretty good idea of the unsystematic method of taxation introduced by the rapacity

of the various petty tyrants who have ruled the different parts of that region.

A natural consequence is the great inequality with which taxation bears upon the inhabitants of different provinces. For instance, in the district of Telav, which contains 3482 houses of peasants belonging to the crown, and occupying an exceedingly rich soil, only two hundred houses are subject to taxation, and they pay 905 silver roubles. In the district of Signack, 3955 houses pay a tax of 245 roubles 20 kopeks in silver; whilst the district of Borshalin, adjacent to Kakhet, and containing 2604 houses, pays 7864 roubles 65 kopeks in silver, which makes 3 roubles 2 kopeks *per* house.\* In the province of Elizabetopol the inhabitants of the town pay, on the average, 1 rouble 49 kopeks *per* house; whilst the inhabitants of the country pay 3 roubles 3 kopeks. The province of Bacoö pays 54 kopeks; Sheki somewhat less than 3 roubles; Shirvan 3 roubles 57 kopeks; Karabagh more than 4 roubles; Talish 2 roubles 10 kopeks *per* house.

On examining the generality of the taxes which are imposed on the internal commerce and industry of the Transcaucasian provinces of Russia, we find, first, seventeen articles of rahtar or duties collected from goods passing from one province into another; secondly, fifty-six articles of taxation imposed on products of different kinds of industry peculiar to each province; and thirdly, sixty-four articles of taxation assessed on every kind of produce, including articles of food, throughout all the provinces.

Many other objects are subject to taxes levied on them under various denominations. For instance, in the province of Elizabetopol, which is peculiarly fitted for the production of silk, that valuable commodity pays six kinds of taxes if sold for exportation; but should it be resold in the province, it pays a heavy duty every time it is transferred from one merchant to another. There are many other similar taxes grinding down the industry of those countries.

What must be the natural energies of a country, when such

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\* It must be however remarked that the districts of Felew and Segreekh, which constitute the province of Kakhet, are subject to very oppressive services peculiar to themselves, as for instance, the maintenance of military posts against the incursions of the Lezghians, which is performed by local militia.

a barbarous system of taxation, which has oppressed it for centuries, and is still in full operation, has not availed to exterminate every vestige of industry and national welfare; and what may not be expected from such a country, if its energies are once called into full play by the removal of those intolerable grievances!

The revenue of the government is derived from the following sources:

A. Property belonging to the crown, which consists

1. Of arable lands, which are partly let out either at a fixed ground-rent or a certain part of the produce (generally the tenth), and are partly cultivated on account of the government.

2. Pastures, which are let either for a payment in money or in cattle.

3. Vineyards and orchards, which are either let out at fixed rents, or managed through agents appointed by government to superintend the fabrication of wine and brandy.

4. Fisheries and ferries, which are let out to farm.

5. Cultivation of silk, cotton, rice, madder, &c., on account of the government.

6. Caravanserays, public baths, shops, &c., which are either let out at a rent or managed by government agents.

All this property belonged to the former rulers of the country, into whose rights the Russian Government has stepped. It yields a yearly revenue of 245,780 silver roubles.

B. Mineral productions, as salt\*, naphtha, alum, iron, copper; these yield, together with the stamp-tax imposed on objects manufactured of silver, 130,000 silver roubles.

C. Customs and rahtars, 151,752 roubles.

D. Taxes peculiar to the Transcaucasian provinces, paid in money and in kind, and such as exist over all the Russian empire; as for instance, stamps, etc., which yield together the yearly sum of 758,084 silver roubles.

The whole revenue of the Transcaucasian possessions of Russia is consequently 1,293,876 silver roubles, which is equivalent to about £215,646 sterling English money†.

Besides these several heads of revenue, which the govern-

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\* There are some salt lakes in the provinces bordering on the Caspian sea, which yield a great abundance of salt.

† These estimates of revenue are made upon an average of five years.



ment receives in money or kind, there are very heavy local charges which the Transcaucasian provinces bear, in common with the rest of the empire, under the name of territorial duties. These territorial duties partake of the nature of the services of the feudal times, as well as of our county rates, and consist in military lodgings, supply of horses for the transport of troops, their baggage, and every kind of government property, maintaining of roads, prisons, &c. We have no returns of these territorial duties in the Transcaucasian provinces, except from Georgia, where they are estimated at 400,000 silver roubles yearly. The most oppressive of them all is the service which the inhabitants of some parts of Georgia are obliged to perform on the military posts established to prevent the forays of the Lesghians.

A well-known political writer has justly observed that the commerce of a nation increases with its civilization, and in turn accelerates the progress of that civilization. Experience has proved that this principle is quite applicable to the Transcaucasian provinces; and we will give our readers a brief sketch of their commerce since the establishment of the Russian power in those parts. We shall take as a fair sample of the whole, the town of Tiflis, formerly the metropolis of Georgia, and now the capital of all the Russian possessions beyond the Caucasus, and the chief market of those countries.

From 1807, the epoch of the establishment of the custom-house of Tiflis, till 1821, the commerce was in a very languid state, and limited to a small traffic carried on by Armenians with the neighbouring dominions of Persia and Turkey. But on the 21st October 1821, the Emperor Alexander, agreeably to a representation of General Yermoloff, issued an ukaze granting to the commerce of the Transcaucasian provinces the following facilities :

1st. All individuals engaged in commerce were to enjoy the privileges of merchants of the first guild\*, without paying the

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\* Merchants are divided in Russia into three classes called guilds.

A. The merchants belonging to the first guild pay, under various denominations, a tax of 2450 roubles.

The merchants of the first guild enjoy the following privileges :

1st. They have the right to carry on every kind of wholesale trade, foreign as well as internal.

taxes attached to that class. 2nd. They were exempted from all personal duties and imposts, and their houses were freed

2nd. To have their own ships and every kind of vessels.

3rd. To possess warehouses of every description.

4th. To possess manufactures of every kind, except distilleries of ardent spirits.

5th. To engage in banking.

6th. To have insurance offices *in so far as it is not contrary to regulations.*

7th. To undertake government contracts of every description.

8th. To enter into contracts, on their own account or as brokers, to any amount.

A merchant of the first guild may practise the retail trade only in the town where he is inscribed, and possess, in that town and its suburbs, three shops; but should he wish to establish a similar trade in another town he must pay the taxes of a merchant of the third guild for each several town where he may establish a retail trade.

If a merchant of the first guild establishes a manufacture, he may possess landed property with peasants (i. e. slaves), but which cannot on any account be separated from that manufacture.

Besides the above-mentioned commercial privileges, the merchants of the first guild possess the following immunities:

1st. They are free from corporal punishment.

2nd. They are exempt from the capitation and military service.

3rd. The sons of those merchants who have remained in the first guild for twelve years, may, after having served in the army three years as non-commissioned officers, proceed to the rank of commissioned officers.

4th. They are admitted at court, may wear a sword, and drive about the town in a close carriage with two horses.

The first two of these immunities, which the merchants of the first guild share with the nobles, are very important in Russia. If a member of these privileged classes commits a crime deserving capital punishment, he is simply condemned to the mines of Siberia without being subjected to the punishment of the knot.

The capitation, paid by all the population which does not belong to the privileged classes, is by no means heavy, but the military conscription in Russia is the most horrible thing that can be imagined. The levy of recruits is ordered almost every year, and each community is compelled to furnish one, two, three or more recruits from every 500 males, or, as they are officially called, *souls*. The choice of the recruits is entirely left amongst peasants to their masters, and amongst the burghers to the elders of the community; and it may be easily imagined to how many abuses such a mode of levying is liable. We shall not enter into the disgusting details by which the levy of recruits is accompanied in Russia; we shall only add, that the condition of a Russian soldier is considered so wretched and so hopeless, that there are many instances of individuals who have not only mutilated but even destroyed themselves in order to escape military service.

Nobles who wish to embark in commerce must inscribe themselves in the first guild.

B. The merchants of the second guild are obliged to pay, under various denominations, a tax of 2300 roubles.

A merchant of the second guild may carry on the same trade as a merchant of the first, with the following exceptions:

1st. He may not enter at the custom-house, on his own account, goods above the value of 50,000 roubles in one cargo by sea, or in one transport by land; and all his foreign commerce must not exceed the value of 300,000 roubles in a year.

Should his speculations exceed the prescribed maximum, he is obliged to pay the difference between his taxation and that of a merchant of the first class.

2nd. He cannot enter into any government contracts for a value exceeding the sum of 50,000 roubles.

3rd. He cannot conclude private contracts, on his own account or as a broker, for a sum exceeding 50,000 roubles.

4th. He cannot establish an insurance-office or a banking-house.



from military lodging and taxes. 3rd. They had the right to acquire and sell landed property. 4th. Government was to grant land to those who would found upon it useful establishments. 5th. All foreign goods were to be admitted on payment of five per cent. duty *ad valorem*. 6th. The transports of merchandise were to be protected by military escorts.

This measure produced the best effects on the commerce of the Transcaucasian provinces. It generated amongst the uncivilized traders of those countries a spirit of enterprise, by opening to them a new and wide field of activity, not only in supplying the Transcaucasian provinces with the products of European industry, but also by a commerce of transit. In the first year after the opening of the free trade, in 1822, there was an importation of goods from Europe to the value of 70,000 silver roubles; the mass of imports rapidly in-

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The merchants of the second guild may keep inns, hotels, and other establishments of a similar kind, in the town where they are inscribed, as well as in its district.

C. The merchants of the third guild pay a tax of 200 roubles, and they are permitted,

1st. To carry on a retail trade with merchandise or foreign goods purchased from merchants of the two first guilds.

2nd. To possess ships, but to use them in foreign trade only, for the transport of merchandise belonging to merchants of the two first guilds; but they may use their vessels to any purpose in the internal navigation.

3rd. To possess in the town where they are inscribed, as well as in its district, hotels, inns, taverns, and every kind of similar public establishments.

4th. They may possess in the town where they are inscribed as well as in its district, several kinds of manufactures (which are specified, and their number is about forty). They can, however, employ no more than thirty-two workmen, and should they wish to increase their number they must pass into a higher guild.

5th. They may purchase, in their own districts and at fairs, every kind of Russian produce, for transport to the sea-ports and to every kind of emporium.

6th. They may carry every kind of victuals to both the capitals of the empire.

7th. They may enter into government and private contracts to an amount not exceeding 20,000 roubles.

8th. They may have for their retail trade three shops in the town where they are inscribed; but should they wish to establish more of them, they are obliged to pay for every shop a tax of fifty roubles in the provincial towns, and seventy-five in the capitals.

The maximums of 50,000 and 20,000 roubles which are fixed for the contracts entered into by the merchants of the second and third guilds, relate only to their commercial transactions, and have no reference to the purchase, sale, or mortgage of their immovable property, which is not limited by any maximum.

The merchants of the third guild may inscribe themselves in that capacity in as many towns as they think proper, paying separately for each town the duties and taxes attached to their classes.

Burgers and peasants may engage in retail trade under certain restrictions and on paying certain duties.

N.B.—The rouble mentioned here is the paper rouble, or about 16d.



creased, and in 1828 it amounted to the value of one million of silver roubles. The goods were for the most part purchased by the merchants of Tiflis at the fairs of Leipsig, and at first carried thence by Brody to Odessa, where they were shipped for Redout Kale. Afterwards, however, it was found much cheaper to transport the goods from Leipsig to Trieste, and thence to ship them to Redout Kale. The effects of this improved state of commerce on the country manifested themselves in its rapidly increasing prosperity. The inhabitants began to be acquainted with the comforts and luxuries of Europe. The town of Tiflis was fast improving, new houses, caravanserays, and shops were constantly built, their rent was continually rising, and land for erecting new edifices acquired an unusual price. The population was advancing in numbers, and their welfare increasing, notwithstanding a war of three years against the Persians and Turks. The revenue of the custom-house of Tiflis, which, in the foregoing ten years, beginning from 1812, amounted only to 185,382 silver roubles, rose, during the ten years after the establishment of the free trade, to the sum of 773,186 silver roubles.

Such were the advantages which the Transcaucasian possessions of Russia began to reap from a free commerce; and there cannot be any doubt that, had it been continued, it would not only have produced the greatest benefits to the country, but even considerably increased the revenue of Russia: it would have opened a vast mart for English manufactures through the consumption of the population of that country, whose awakened industry would have given them ample means to purchase the comforts and luxuries of Europe. If the commerce of Circassia, a comparatively poor country, which can export only box-wood, skins, and hides, is sufficiently lucrative to induce the Turkish trader to brave the vigilance of Russian cruisers, what profits might not be derived from a country abounding with wine, cotton, silk, madder, and capable of producing cochineal and indigo! Yet all the brilliant prospects, which were opening to those regions, were completely obscured by an ukaze of the Emperor Nicholas issued in July 1832, by which the free commerce, which had already conferred such blessings on them, was abolished. The commercial prosperity of her Transcaucasian provinces, and

the increased revenue she derived from them, seem to have been of little consideration to Russia, and she sacrificed them at once as interfering with the general system of her policy.

This policy has a twofold object—the creation of a manufacturing industry which shall make her independent of other countries, and particularly England; and the establishment of her dominion in Asia, whence she expects, not unreasonably, to derive enormous advantages. She considers her Transcaucasian possessions, as it is expressed in the project of her minister of finance which we have mentioned, as a colony which is to supply her with the raw material necessary for her manufactures, and, at the same time, open a profitable market for the produce of those manufactures. Some people may sneer at the idea of Russia's making a flourishing and profitable colony of her Transcaucasian possessions; but we suspect that, with such capabilities as those regions possess, a little assistance, or even the removal of the intolerable burdens which now grind down their natural energies, would produce the most brilliant results. We have a striking example in Egypt, which, administered by an energetic barbarian, has effected wonders. Let us take, as an instance, the cultivation of cotton. The Brazilian cotton was introduced into Egypt in 1822, in order to replace the indigenous, and the same year five millions of French pounds of cotton wool were collected; but no longer than two years afterwards, i.e. in 1824, 45,000,000lbs. of that valuable commodity were produced there. Bad as the government of Russia is, we do not think that it is worse than the Egyptian; and we believe, that if the Russian government once seriously applies itself to the improvement of its Transcaucasian provinces, they will rise in a short time to a high degree of prosperity, furnishing the Russian manufacturers with the raw material, and at so low rate as to enable them to compete with our manufactures in the markets of Persia and Central Asia. The removal of the grievances which oppress those countries, in the shape of the absurd system of taxation, will have an effect hardly to be calculated: and that this will be speedily done, may be anticipated from the work under review, which, appearing under the auspices of the government, strongly deprecates the present financial system of the Transcaucasian provinces; and

argues that under merely tolerable management they might become the most flourishing part of the Russian dominions. Even now the high price of labour\*, and comparative cheapness of food, and even luxuries, such as wine and fruit, will attract great numbers of emigrants from Germany, many of whom have settled at different periods in several parts of Russia. Besides voluntary settlers, numbers of whom the Russian government may easily attract from Germany by giving them sufficient encouragement, it may resort to the expedient which has often been successfully tried in that country, i. e. a forced transplantation of a large number of families from the wild and barren regions of Russia to the more favoured parts of her dominions. We repeat, that to bring the Transcaucasian provinces to a high degree of prosperity, nothing is wanting but a good, or at least a tolerable, administration; and this is by no means unattainable as soon as the Russian government, having become convinced of its importance, shall seriously apply itself to the task. That such a result is not impossible we have good evidence in the Crimea, which, in the beginning of its subjection to Russia, had fallen to a much lower state than it had been in under the rule of the Gherays; but whose prosperity is now so rapidly advancing by an improved mode of administration, that the value of land, in several parts of that peninsula, has risen, in the short space of a few years, from 100 to 1500 roubles (paper) the desiatine. It is very true that the Russian *employés* are ill-paid, and, with some few exceptions, venal and corrupt to a degree which will scarcely be credited in England; but although the internal administration of the country is placed in such bad hands, their diplomatic agents are patterns of perfection, and nobody will now presume to question the efficiency of the Russian diplomacy, which we are constantly experiencing to our own cost. Family connexion, political party, or any similar considerations, have no influence on the appointment of the Russian ambassadors, residents and *chargés d'affaires*: capacity is the only test by which those charges are distributed, without regard whence the indi-

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\* At Tiflis a common labourer may earn one silver rouble, 3s. 4d. per day.



viduals entrusted with them come, or who they are. It is well known that Russia has, ever since the time of Peter the Great, employed foreigners in places of trust, either in the diplomatic or military service, and that their talents and superior education have materially advanced her power. Osterman created the foreign department over which he presided for many years, having attained the highest rank in the civil service, that of chancellor; Field-Marshal Munich illustrated the reign of the Empress Anna Ioanovna by a series of brilliant victories; the Jacobite Keith defeated the Swedes, and established the Russian influence in that country; Saldern fomented, with the greatest success, the troubles in Poland; Elphinstone, Greig and Mackenzie destroyed the Turkish fleets. Even in our times the most efficient men in the Russian service have been and are foreigners. Diebitsch was a Silesian; Capo d'Istrias a Corfiote; Pozzo di Borgo is a Corsican; Anstetten an Alsatian, &c. If the Russian cabinet has been able to find such capable individuals to fill military and diplomatic offices, why should it be in want of able administrators, who may give a speedy developement to the Transcaucasian possessions? Russia has already made a very successful experiment in employing foreigners to organize and administer her new provinces. The Duc de Richelieu created Odessa in a few years, and converted the deserts bordering on the Black Sea into a flourishing country, whose progressive developement affords to Russia the means of maintaining there a large military force, ready at a moment's notice to pounce on the Turkish empire. Count Maison succeeded, by his persevering efforts, in civilizing the tribe of the Nogais, and converting into an agricultural people those children of the desert, who had led a wandering life from time immemorial. What is to prevent Russia from finding individuals of superior talents and great energy, who may attain honour, wealth, and power, by converting these beautiful countries into a most flourishing colony; whose natural resources, once brought into full play, will not only cover all expenses of government and defence, but even enable Russia to maintain there, without any additional charge, an armed force sufficient to ensure her a paramount influence over the adjacent provinces of Turkey, Persia, and the several dominions of Central

Asia, from which her Transcaucasian possessions are separated only by the Caspian Sea? Russia expends now annually, for the maintenance of her Transcaucasian possessions, about 440,000 paper roubles, or something between £16,000 and £17,000 more than she derives from them.

We have already sufficiently demonstrated, that the present revenue of above £200,000 sterling which Russia draws from the above-mentioned provinces, may be increased, by proper management of the resources of the country, to an extraordinary extent. It may be objected, that to obtain the results which Russia might anticipate from an improved state of her Transcaucasian provinces, capital is necessary, and that Russia is poor, and cannot incur the great expenses required by the considerable outlay, which is indispensable in order to obtain the above-mentioned results. Unluckily, the poverty of Russia, and her inability to raise money, is mere idle talk, as long as her paper is much above *par* on the Exchange of London as well as on those of the principal commercial cities of Europe. Russia will find means to attain her gigantic but well-calculated schemes in the very pockets of those Englishmen, against whose commercial and political interests those schemes are directed: the dangers with which our dominion in India and our commerce over all Asia are threatened by the growing power of Russia, are appreciated only by few, very few indeed; whilst everybody understands that five or six per cent. is a very eligible investment for his money. But let us suppose that our countrymen, whom neither the mining speculations of South America, nor the Greek and Spanish loans, nor any bubble at home or abroad, have been able to cure of their speculative mania, grow at once wise, and refuse to lend money to Russia; let us suppose that such an improbable event should happen,—will it prevent Russia from finding money elsewhere? It is very true, that England is the richest country in the world, that there is more capital here than in any other country; but it is a gross mistake to suppose that it is utterly impossible to raise a loan without recurring to the Exchange of London. Holland has much unemployed capital; its monarch found as much money as he wanted to carry on a foolishly-obstinate quarrel, the object



of which was evidently hopeless. There has been also much capital created, in different parts of the continent, by the long wars alimanted by the subsidies of England. Those wars occasioned an enormous waste of stores, ammunition, &c.; but the money which was paid for those stores and ammunition, or expended by the troops for various objects and necessaries of life, was not lost; it only changed hands, and flowing from the coffers of the belligerent powers into the pockets of contractors, served to create new capitals where they did not formerly exist. We repeat, therefore, that should Russia fail in obtaining money in England, she will have no difficulty in finding, on the Exchanges of Amsterdam, Hamburg, Frankfurt, Berlin, &c., ample means to give the necessary impulse to the native energies of her Transcaucasian possessions. The loan of 150,000,000 Polish florins, or £3,750,000, which she raised three years ago with the greatest facility, and without applying to England, is a sufficient proof of what we have now advanced. The finances of Russia, although certainly very inconsiderable if compared to the immense revenue of the British empire, are by no means in a despicable condition. The expenses of the wars with Persia and Turkey were paid by the contributions imposed on the two above-mentioned powers by the treaties of Turkmanschay and Adrianople. The agricultural and manufacturing industry of Russia has considerably increased, and given a proportionate addition to the revenue. As a proof of increased industry and wealth, we may adduce the revenue from the post, which in 1822 amounted to 8,752,703 paper roubles, and in 1831 to 10,773,303. The complete exclusion of foreign manufactures, although contrary to all sound principles of commercial policy, increased the exports, during the same space of time, 35 per cent\*. Russia, which formerly imported nothing but

\* The exports from Russia were

	1822.		1831.
	<i>roubles.</i>		<i>roubles.</i>
Various kinds of corn .....	14,494,621	...	64,142,309
Vietuals .....	2,934,466	...	3,411,275
Flax, linen thread .....	25,287,936	...	25,304,221
Hemp and hempen thread .....	26,887,781	...	18,538,889
Tallow .....	39,364,994	...	40,268,750
Hemp and linseed .....	5,283,635	...	15,754,286
Timber .....	5,352,467	...	7,372,989
Potash .....	4,894,420	...	3,714,709



manufactured goods, imported in 1831 to the value of about 200,000,000 roubles of raw material for the use of her manufactures\*. The whole amount of the produce of the manufactures and mines of Russia was estimated in 1831, by the official returns, at 509,574,379 roubles†. The interest of money lent

	1822.	1831.
	<i>roubles.</i>	<i>roubles.</i>
Hemp and linseed oil .....	1,811,800	1,952,979
Iron .....	6,083,602	5,735,384
Copper .....	9,754,960	3,550,882
Golden and other metallic thread .....	0,000,000	531,281
Drugs .....	624,239	218,431
Leather .....	3,945,660	4,326,245
Hides .....	2,105,029	4,799,808
Wool .....	1,835,864	3,122,540
Isinglass .....	1,444,523	2,000,772
Bristles .....	3,558,401	3,291,799
Sundries .....	0,000,000	3,079,324
Ropes .....	1,223,202	2,524,469
Linen .....	7,405,555	6,704,118
Different articles manufactured from hemp and flax .....	1,166,966	3,572,139
Cotton goods .....	1,003,267	5,159,946
Cloth .....	241,251	584,674
Wrought metal .....	830,393	1,144,930
Various manufactured produce .....	000,000	1,892,113
Different kinds of live stock .....	3,489,770	2,555,230
Furs .....	4,928,211	4,251,532
Different kind of merchandise .....	635,621	1,347,904
Wax .....	1,241,620	1,749,698

\* We have no returns later than the year 1831. We have extracted these, as well as many following details, from the work of M. Prelezynski, published in Russian at St. Petersburg, 1833, under the title, *The State of the Manufacturing Powers of Russia*.

† State of manufactures, 1831.

Value of the produce of		Increase since 1821.
Cotton manufacture .....	104,170,418	230 per cent.
Silk ditto .....	16,131,373	25 ———
Woollen ditto .....	50,000,000	30 ———
Flax and hemp .....	22,615,940	45 ———
Leather .....	97,213,710	12 ———
Paper .....	6,468,968	10 ———
Hats .....	3,801,900	63 ———
Dyes and colours .....	3,000,000	55 ———
Tobacco and snuff .....	19,623,494	150 ———
Refined sugar .....	23,007,004	34 ———
Soap .....	6,591,690	131 ———
Tallow candles .....	8,095,584	62 ———
Snuff-boxes and different kinds of japanned goods .....	2,000,000	00 ———
Chemical preparations .....	3,000,000	11 ———
China and earthen ware .....	4,000,000	00 ———
Glass and crystal .....	9,000,000	11 ———
Potash .....	6,000,000	32 ———

by the government-bank to the land-owners has been lately reduced from five to four per cent.; and the assignats of Russia, which had amounted in 1817 to the sum of 836 millions, were reduced to the amount of 595,776,310 in 1835\*.

**Metallic produce.**

Increase from 1821.

Gold .....	} 25,905,680 {	...	5 per cent.
Silver .....		...	3
Copper .....	} 9,620,736 {	...	13
Wrought iron and steel .....		...	9
Cast iron .....	} 38,828,000 {	...	26
Sundry minerals .....		...	94

\* The assignats or bank-notes of Russia were established in the reign of Catharine II. by the ukaze of 27 December, 1768, and issued in the following year. At the beginning they were issued to the amount of 40,000 roubles in notes of the value of 100, 75, 50 and 25 roubles a piece. In 1786, these assignats were exchanged for new ones, and their quantity increased to the sum of 60,000,000 roubles. Their number was continually increased, so that, on the death of Catharine II., it amounted to 157,000,000. A natural consequence of the increased issue was their proportionate fall; so that at the above-mentioned epoch, the value of 100 roubles in assignats was equal to 70 in silver. During the reign of the Emperor Paul I., the quantity of assignats was increased by 55,000,000 more; and during the reign of Alexander the issues were carried to such an extent, that in 1817 their whole quantity amounted to the sum of 836,000,000, and their value fell in proportion to the over-issue. We here subjoin a table showing the variation and gradual depreciation from 1768, the epoch of their first issue, till 1814, when they had reached the greatest point of depreciation :

	100 paper roubles were worth					
	Year.	Roubles silver.	Year.	Roubles silver.	Year.	Roubles silver.
	1769	99	1785	98	1801	66½
	1770	99	1786	98	1802	71½
	1771	98	1787	97	1803	80
	1772	97	1788	92½	1804	79½
	1773	98	1789	91½	1805	77
	1774	100	1790	87	1806	73
	1775	99	1791	81½	1807	67½
	1776	99	1792	79½	1808	53½
	1777	99	1793	74	1809	44½
	1778	99	1794	71	1810	33½
	1779	99	1795	68½	1811	25½
	1780	99	1796	70½	1812	26½
	1781	99	1797	79½	1813	25½
	1782	99	1798	73	1814	25½
	1783	99	1799	67½		
	1784	98	1800	65½		

In 1817 the Russian treasury adopted measures for diminishing the number of its assignats; and from that year till 1822, assignats to the amount of 236,077,650 roubles were withdrawn from circulation and destroyed. In 1819 the old assignats were exchanged for new ones, issued in a much improved shape, and in notes of 200, 100, 50, 25, 10 and 5. According to the report of the minister of finance, on the 20th of August 1835, the whole amount of assignats in circulation was 595,776,310 roubles, and their relative value to the metallic money was as 100 to 27.

We have made this digression, on the resources of Russia, to prove to our readers how incorrect are those statements which represent that country in a state of such weakness, as to preclude the idea of any danger which may threaten the liberties of Europe and our commercial interests from that quarter. Russia may be still weak comparatively to the strength which she ought to have, considering the immense resources she possesses; but the weakness of Russia is that of a giant who labours under an illness, produced not by an organic defect, but by an improper regimen. Let this regimen be changed from a preposterous into a judicious one, and the giant, whom we contemplate in a state of apparent debility, will at once assume a strength capable of breaking down all obstacles that impede his progress. Europe will learn, when it is too late, the real power of the Northern Colossus, who, once awakened to the full sense of his force, will trample over all the liberties and interests of civilized Europe. But the ambition of Russia and her schemes, dangerous to the repose of Europe and to our commercial interests, are not the immediate object of this paper, to which we now return.

Many persons have urged the want of communication between Russia and the provinces separated from her by the natural barrier of the Caucasian ridge, as an insuperable impediment to the development of their commerce and industry; and indeed, if there were no other communication than the passes of Mozdac, the intercourse between Russia and her Transcaucasian possessions would have been very precarious, from the natural difficulties of a mountainous road infested by the predatory tribes of the Caucasus. But there are two routes which render the overland communication of secondary importance; the first is by the Black Sea, by which vessels starting from the Russian ports arrive at Redout Kale, whence travellers and goods continue, overland, their journey to Tiflis or Persia. During the ten years of free commerce enjoyed by the Transcaucasian provinces, many cargoes of foreign goods arrived there from Odessa or Trieste, following the above-mentioned route. This route has, however, some disadvantages, as it passes through a very hilly country, and a less fertile tract of land. The Transcaucasian provinces bordering on the Black Sea present



scarcely any valuable object of exportation but timber, and the navigation of that sea may be interrupted, in time of war, by a hostile fleet. An English navy riding in the waters of the Euxine, and blockading the Russian ports, may be regarded, since the deplorable affair of the *Vixen*, as an improbable event, but still it lies within the range of possibility. There is however another communication, which not only affords greater facilities than that of the Black Sea, but is entirely independent of all chances of a war with the maritime powers,—we mean the Caspian Sea, over which Russia has exclusive command, and where no vessels of war but her own are suffered to navigate. The river Volga, which is navigable for a length of more than 2000 English miles, flows across the most fertile provinces of the Russian empire, and affords a water-communication between the Baltic and the Caspian. The rivers Occa and Kama, both flowing into the Volga, open an easy communication, the first with the manufacturing provinces of Moscow, Toula, Orel, &c., and the second with the mining districts extending along the western side of the Ural Mountains; so that this great river, which may be considered as the principal artery of Russia, ensures an easy transport of every kind of goods, from the remotest provinces of the empire to the Caspian. It is therefore superfluous to add, that every kind of transport, whether for commercial or military purposes, may be conveyed by the easy and cheap process of floating down the stream, from almost every part of Russia to Astracan. It is true, that the mouths of the Volga, being rather shallow, render the navigation between Astracan and the Caspian liable to some difficulties, but they are not of such a nature as not to be easily removed by the cutting of a canal. The navigation of the Caspian Sea formerly suffered from the prevalence of the northern winds, which prevented an easy and frequent return of the vessels trading from the northern to the southern shores; but this inconvenience is now removed by the introduction of steam-boats. It has been urged by some writers, and particularly by Klaproth, that the absence of navigable rivers in the Caucasian isthmus, is an insurmountable impediment to the commercial developement of that otherwise favoured region. Without entering into a disqui-

sition on the probability of rendering the Koor and the Araxes navigable, we shall only observe, that the most fertile parts of the Transcaucasian provinces of Russia are situated on the shores of the Caspian Sea, or in its immediate vicinity. Such is the case of the rich territory of Salyan, the plains of Talish and Koorin, &c., which at the same time afford the greatest facilities for the export of their produce.

The Caspian Sea not only facilitates the military and commercial intercourse of Russia with the Transcaucasian possessions, but it affords to that power excellent means of improving and extending her relations with Central Asia, and prosecuting, with every chance of success, her schemes of traffic and conquest in those regions. The commerce which is now carried on between Russia and Bokhara is subject to much inconvenience from the great distance which the caravans are obliged to go in travelling from one country to the other, and the numerous dangers and exactions to which they are constantly exposed from the nomade tribes inhabiting the deserts of Central Asia. At present, a caravan carrying goods from Bokhara to Russia, or back, requires two months for the accomplishment of the journey. Yet notwithstanding that long journey, and all the hardships and dangers by which it is accompanied, not only the broad-cloths of Europe, but also the muslins of India conveyed by that road, compete in the markets of Bokhara with our goods that arrive there by way of Cabool. Burnes states, that the finest English broad-cloth, which sells in India for twenty-two rupees, may be purchased in Bokhara for fifteen. This, we think, is sufficient to prove the practicability of an advantageous trade with Central Asia, even under the present unfavourable circumstances, and the official returns of the Russian custom-houses show a constant increase of exports to Asia\*.

\* The Russian exports to Asia were

	1822.		1831.
	<i>roubles.</i>		<i>roubles.</i>
Cotton goods .....	972,524	...	4,840,653
Leather.....	1,945,990	...	2,031,125
Metals, in bars and manufactured .....	1,457,953	...	1,229,995
Broad-cloth .....	227,108	...	573,269
Manufactured silk .....	162,360	...	260,751

The intercourse which exists now between Russia and Bokhara might be considerably accelerated by adopting another and much more direct road for the march of the caravans,—we mean the road by the Caspian Sea and Khiva, which would reduce by more than half the time and expense of the present journey. It is calculated that the distance between the Bay of Krasnowadsh to Khiva requires seventeen days for a caravan, and from Khiva to Bokhara only seven; consequently, instead of a journey of upwards of two months, which the caravans are obliged to make now from Orenburg or Troizk to Bokhara, they might do it in twenty-seven days, and avoid a great many inconveniences attached to the actual route. One thing, however, at present prevents the trade from being carried by that nearest way, and forces it to make a circuitous route—the rapacity of the little state of Khiva itself, occupying an oasis situated on the Aral, where the river Amoo or Gihson falls into that great lake. This little state, which has been not unjustly called the continental Algiers, contains a population of about 200,000 souls, and its rulers are constantly engaged in a predatory warfare against the neighbouring nations, and oppress, by their barbarous exactions, the commerce of those regions. The expediency and facility of conquering Khiva has been many times urged on the Russian government; and indeed it has sufficient motives to undertake, and plenty of reasons to justify, such a conquest, which would afford great security to the caravans by which the commerce of Central Asia is carried on, as well as abolish the trade of slaves which is now kept up by the Kirgises and the Toorkmans, who find in Khiva a ready market for prisoners captured in Persia and Russia. It would also render Russia popular amongst the trading communities of Central Asia, who would naturally look on her as their protector, and the avenger of the innumerable wrongs inflicted upon them by the khans of Khiva; and it might certainly be accomplished at less than half the expense lavished on the military displays of Kalish and Wosnesensk.

It is well known that Peter the Great sent an expedition, commanded by Prince Becovich, in order to establish the dominion of Russia on the eastern coast of the Caspian, and that it ended in a complete failure. But as that enterprise



has never yet been clearly described, we take advantage of a work published last year at Petersburg, to extract a few details which evidently prove that it failed only through the unaccountable folly of its leader. It is also interesting to observe the projects which Russia, even at that time, manifested, displayed in the instructions which Peter the Great wrote with his own hand on the occasion. Prince Alexander Becovich Cherkaski was the son of a Circassian chieftain of the Kabardah, but educated partly in Russia, and partly abroad, where he was sent in 1707 to complete his studies. He seems to have been a great favourite with Peter, to whom he presented, in 1713, a project for subjugating the Caucasian nations; to which end he recommended the establishment of the Russian power over the Caspian Sea, and the conclusion of a treaty with the shah of Persia. Peter submitted this project to the senate, and a few months afterwards sent an ambassador to Persia; but as he was still engaged in war with Sweden, he postponed his attempts upon those parts, and resumed them only, as it is well known, in 1722.

A Toorkman, called Kadja Nefes, communicated to some Russians, in 1713, that the river Amoo carried gold sand, and that the inhabitants of Khiva, afraid of the Russians, had dammed up the bed of that river flowing into the Caspian, and opened a new channel into the Aral. Recent discoveries have proved that this story was a mere fiction; but, at that time, these parts of Asia were very little known. The tale of the Toorkman, who arrived at Petersburg in 1714, was confirmed by a report sent to Peter by the governor of Siberia, that the river Erket (Yarkund)\*, in Little Bokhara, was very abundant in gold sand: the credibility of this report was strengthened by a bag of gold dust annexed to it, and which had been received by the governor of Siberia from a merchant of Yarkund; this dust was acknowledged by the mineralogists

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\* Yarkund is now one of the frontier positions of the Chinese empire towards the west, and a five months' journey for caravans from Pekin. It formerly constituted an independent principality under a Mohammedan ruler; but about eighty years ago it was conquered by the Chinese, who leave the internal administration and the trade to the native Mohammedan population, and content themselves with the political supremacy. For further particulars about Yarkund, vide *Burnes, Travels*, vol. ii. pp. 227-237.

of St. Petersburg to be pure metal. The envoy of Khiva, who was at that time at St. Petersburg, confirmed the report about the existence of gold in several rivers of Central Asia; and Peter resolved directly to send two expeditions, one by the Caspian Sea, and another from Siberia, in order to conquer Khiva, to occupy the river Amoo, the town and river Yarkund, and from thence to explore the country towards India, and even to the capital of the Great Mogul.

The expedition, which was to proceed by the Caspian, was entrusted to Prince Becovich, who undertook, in 1715, a voyage on that sea, in order to make some preliminary investigations. The report which he presented on his return was favourably received by Peter, who immediately gave orders to make all the necessary preparations for the expedition, and delivered, on the 14th of February 1716, to Becovich instructions written with his own hand, and which may be considered as a fair specimen of Russian diplomacy in the east.

It was enjoined by the above-mentioned instructions, First, to erect a fortress capable of containing a garrison of 100 men on the ancient mouth of the Amoo in the bay of the Balkkan. Second, to proceed, as an ambassador, to the khan of Khiva, following the ancient bed of the Amoo, and observing it with great care; to ascertain whether it would be possible to destroy the dike by which its waters had been dammed up, and make a calculation how many people would be required to execute that work. Third, to erect a fort *secretly* on the dike of the Amoo, or somewhere else on that river, and to found a town. Fourth, to persuade the khan of Khiva to become a vassal of Russia, and to promise him in return the settlement of the succession to the throne in his family, a guard composed of Russian troops, and every kind of advantage. Fifth, should the khan receive such proposition, to oblige him to maintain the above-mentioned guard at his own expense. Sixth, should a treaty be concluded with the khan on any conditions whatever, to request the said khan to send a detachment of his own troops, accompanied by some Russians, by the river to Yarkund, to seek for gold. Seventh, to request likewise the said khan to furnish vessels, and to dispatch in those vessels, by the river

Amoo, a person conversant with trade, ordering him to proceed as far as possible by water, and then overland to India; to enjoin that envoy to describe, with the greatest accuracy, the way which he intended to follow, and to take care that he returned by the same route; but should the above-mentioned envoy hear in India of another more convenient route to the Caspian Sea, he was to follow and minutely describe it. Eighth, to collect information in Khiva, whether it might not be possible to induce the khan of Bokhara, who was at variance with his own subjects, to become a vassal of Russia, or at least conclude an alliance with her. Ninth, to furnish the ambassador, Prince Becovich, with 4000 regular troops, as many vessels as might be necessary, and to prepare credentials to the khans of Khiva and Bokhara; to prepare likewise separate credentials for the individual who would be sent to the Great Mogul. The four remaining articles related to measures concerning the irregular troops, engineers and other individuals who were to accompany the expedition.

These instructions were communicated not only to Becovich, but also to the senate, with orders to put them into immediate execution, the affair being pressing. The lieutenant of the navy, Kojeen, who was destined for India, received separate instructions in the handwriting of the emperor.

It must be remarked, that none of these articles were strictly followed, but it is not known whether from a change made by the emperor himself, or, which is more probable, from mere neglect. Becovich, who directed at Astracan the preparations for the expedition, sent some individuals to inform the khan of Khiva of his arrival, but none of his messengers returned, having probably been put to death by the khan. Becovich formed a squadron of dragoons of Swedish prisoners, and entrusted their command to Major Frankenberg, also a prisoner. In September 1716 the expedition, consisting of three regiments of the line, left Astracan, in 100 transports; and Becovich, after having established three forts on different points of the eastern shore of the Caspian, returned in February 1717 to Astracan. In the spring of the same year he again left it, taking with him 3200 cavalry, consisting of the Swedish squadron, Cossacs, and Tatars. When the expedition was on the



point of weighing anchor, an accident happened which strongly affected Becovich, and which is supposed to have produced such an impression on his mind, that his intellect was weakened, and that the preposterous measures by which the expedition was ruined may be ascribed to that cause. His lady, to whom he was fondly attached, and his two daughters, who had accompanied him to the vessel, were upset in a boat on their return to the shore, and drowned.

We shall not enter into minute details respecting this expedition, which, after a difficult march across the steppes, arrived within 100 *versts*, or 66 English miles, of *Khiva*, without having experienced any resistance. The khan, however, was not idle; and having assembled 2400 men of different wandering tribes, he fell upon the small Russian army; but he was constantly repelled, and the Russians approached his capital. He therefore sent delegates to Becovich, representing that he had attacked the Russians by mistake, thinking that they were enemies; but having learnt since that they came with amicable intentions, he wished to conclude a treaty. After some negotiations, a kind of treaty was agreed to, and confirmed by mutual oaths. The khan invited Becovich to an interview; he accepted the invitation, and repaired to the camp of the khan with an escort of 500 men; but they were attacked, overwhelmed by numbers, and cut to pieces. Becovich was taken prisoner, and compelled to send an order to the remaining troops to separate into small detachments for the alleged purpose of facilitating their supply. The Swedish Major *Frankenberg*, who commanded the troops in the absence of Becovich, refused three times to comply with these orders; but at the fourth time, when Becovich threatened to punish his disobedience with all the severity of martial law, he had the weakness to obey; and no sooner were the troops separated into small detachments, than they were surrounded by the *Khivians*, massacred, or led into slavery. Becovich was beheaded; and the troops which had been left in the forts constructed by him, embarked for *Astracan* on hearing the fate of their companions. We will not omit a circumstance which, although trifling in itself, proves how easily the expedition might have been successful, had

it not been for the foolish confidence of Becovich. When one of the detachments which had been left in the above-mentioned forts, was embarking to return to Astracan, it was attacked by a horde of Toorkmans; but its commander erected a barrier of sacks of flour, and, protected by that singular fortification, repulsed the superior numbers of the barbarians.

Instead of entering into any farther arguments about the expediency or the practicability of the conquest of Khiva by Russia, we shall content ourselves with quoting the opinion of an intelligent Russian, whose personal knowledge of the country, as well as the sound spirit of observation which his work evinces, justify us in considering him as the best evidence on that subject.

"In our days, and with the knowledge we possess of the localities of that country, the success of a similar enterprise may be warranted. A body of three thousand Russians, commanded by a determined and disinterested chief, could conquer and keep that country (Khiva), so advantageous to Russia on account of her commercial relations with Asia. Now it is possible to turn to advantage the notions acquired about that country and the individuals that occupy the principal offices of Khiva, the secret discontent of the Oozbecs against Mahomed Rahim (khan of Khiva in 1820), and the good dispositions of the Toorkmans towards us. The Toorkmans are friendly to Khiva because they draw supplies of food from that country; by furnishing them with corn, which it will be much more profitable for them to receive from us than from Khiva, we may easily induce them to take our part. Even in Khiva itself we may increase our force, by enlisting the three thousand Russian slaves who are in that country, as well as the thirty thousand Persians, who suffer their misery with as much impatience as the Russians. The only difficulty which such an enterprise appears to present, is the passage across the steppes which surround Khiva; but this may be easily overcome. The route from the Caspian Sea to Khiva is now well known; provisions will be found in Khiva, where they are in great abundance. The transport may be effected on camels belonging to the Toorkmans, who will be ready to assist us, and who would likewise furnish us with horses accustomed to the steppes. If Mahomed Rahim penetrated to the shores of the Caspian Sea with an army of 20,000 horsemen, what is to prevent us from arriving at Khiva with a much less numerous body of infantry?"—*Voyage en Turcomanie et Khiva, par Mouravieff*, page 357.

Besides the fact of the khan of Khiva having penetrated as far as the shores of the Caspian Sea with an army of 20,000 horsemen, which Mouravieff mentions as a proof of the pos-

sibility of a Russian army's reaching Khiva, we may add the following circumstance related by Lieutenant Burnes, and which serves to confirm the views of the Russian traveller.

"In the summer of 1832 the khan of Orgunje (another name for Khiva) marched his whole military force from Khiva to Merve, and levied contributions on the Tuka, the greatest of the Toorkman tribes. He fixed a custom-house both there and at the Murukhs, a town held by the Toorkman tribe of the Salore, which is within three marches of Meshid in Persia, and he now levies duties on the caravans which pass both those places. This advance of the Orgunje army is creditable to the military genius of the khan. The journey from Khiva to Merve amounts to fifteen marches, and is almost destitute of water, which he procured by digging wells at every stage as he advanced."—*Travels of Lieutenant Burnes*, vol. ii. p. 385.

The conquest of Khiva will naturally lead to that of Bokhara, which may be reached by an army following the course of the Amoo, by which the stores and munitions may be easily conveyed. There would be no difficulty in retaining that valuable conquest, as a great part of the population of Bokhara is composed of Tajecks, who seem to be the original inhabitants of the country, and are the most peaceful and unwarlike nation of the world. The Tajecks are held in a state of complete subjection by the warlike Oozbees, who treat them with great contempt. "The Tajecks," said an Oozbec to Meyendorf, "inhabit Bokhara since the time of Iskander without ever having had a chief chosen from themselves; they only know how to obey." The moral state of Bokhara, whose inhabitants seem to be insensible to any considerations but those of mere lucre, renders that country even more accessible to the diplomacy than to the armies of Russia. As a fair specimen of the notions which the inhabitants of Bokhara entertain of the integrity of public officers, we need only mention, that during the first audience given by the vizier of Bokhara to the Russian envoy, Mr. Negri, (1820,) the conversation turned exclusively upon the value of the presents brought by the embassy; and the vizier earnestly requested Mr. Negri not to keep back for himself anything of the presents sent by the Emperor Alexander to the khan of Bokhara.

The last wars with Persia and Turkey proved that Russia understands how to use the natives of Asia in promoting her



conquests; and it is well known that Field-Marshal Paskevich employed with great success, particularly against the Turks, the Mohammedan regiments he had raised in the conquered provinces. Russia will therefore have no difficulty in composing an auxiliary force from the native tribes of Central Asia, which will give her additional facilities for conquering and retaining, not only Khiva and Bokhara, but all the adjacent countries, and exercising, by that means, a paramount influence over Persia and Afghanistan\*.

Before we entirely dismiss the subject of Russian projects upon Central Asia, we shall say a few words about the expedition which, simultaneously with that of Becovich, was sent from Siberia, in order to conquer Yarkund,—a circumstance almost unknown to the European public.

We have already said, that a report sent by the governor of Siberia to Peter the Great about the golden sand, and accompanied by a bag filled with the same, determined that monarch to make the conquest of the new Eldorado. He consequently gave an order to the governor of Siberia to send an expedition of about 2500 men, partly composed of Swedish prisoners, in order to erect a fort on the upper parts of the river Irtysh, and to proceed next spring farther to the south; establishing, in convenient places, redoubts for ensuring an easy communication. The object of the expedition was expressed in the following pious words, contained in the instructions written by Peter himself: “And when *God has assisted you* to arrive at Yarkund, you will try to take it; and when, “with the *assistance of God*, you have taken that town, you

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\* The last European traveller who visited Bokhara is M. Demaison, now professor of the Persian and Turkish languages in the Oriental Institute at St. Petersburg. He left Orenburg towards the end of 1834, and arrived in December of the same year at Bokhara, where he remained till July 1835. M. Demaison travelled under the assumed name of Giaffar, and gave himself out for a Faktor Moollah. His great knowledge of the oriental languages and manners, as well as of the rites of Islamism, enabled him to play his dangerous part so admirably, that he obtained free access to all the mosques and medrusses (i. e. colleges). He had many learned disputations with the moollahs of Bokhara, and made acquaintance with the principal people of that place. No European traveller who has ever visited Central Asia, enjoyed such favourable circumstances for making observations as M. Demaison; and such are the individuals whom the Russian government employs on its missions! The travels of M. Demaison have not yet been published, and will certainly throw a new light on the present condition of Bokhara and many other parts of Central Asia.

“ must fortify it, and gather information from the inhabitants  
“ in what manner they obtain gold.”

The command of the projected expedition was entrusted to Lieut.-Col. Buchholz, but it was not ready to start from Tobolsk till July 1715. It consisted of about 3000 men, who, as well as a great quantity of stores and ammunition, were embarked on boats, and carried upwards by the Irtysh. Buchholz chose a favourable place in the territory of the Calmooks, who were at that time still independent; and having built a fort, despatched a report to Peter of what he had done, requesting such assistance as might afford him means to encounter the Calmooks, who would resist the invasion of their territory. The report was received by Peter on board of a ship off Copenhagen, in August 1716, and he sent immediate orders to the governor of Siberia to give every possible assistance to the expedition. Meanwhile the Calmooks surrounded the fortress, and attacked it with great vigour; but being repulsed by the superiority of European discipline and arms, they strictly blockaded it. They represented, at the same time, to the Russian commander, that its construction was a breach of the amicable relations which existed between the Calmooks and Russia, offered the garrison a free retreat, and threatened them with destruction in case of refusal. The protestations of the Russians, that they had erected a fort not with any hostile intentions, but only in order to promote trade, were rejected by the Calmooks, who continued to blockade the Russians, until, reduced by disease to 700 men, they left the fortress, and returned to Siberia without being molested by the Calmooks, who, on the contrary, assisted them in various ways. Similar expeditions were tried in the years 1717, 1718 and 1719, the last of which, commanded by General Likhacheff, penetrated beyond the Lake Sayssan Nor, and approached within twelve days' march of the sources of the Irtysh\*; but it was obliged to retrace its steps by a superior Calmook force.

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\* The Irtysh wanders a great way on the plateau of the Calmook country, crosses the great lake Sayssan Nor, and runs 220 miles before it enters the Russian territory, navigable from Sayssan Nor; its breadth varies from 200 to 400 yards. Vide *Maltebrun's Geography*.

Since that time no attempts have been made to conquer Yarkund, which now belongs to China.

We shall conclude this article with a few observations relating to the Armenian provinces which Russia has acquired from Persia by the treaty of Turkmanschay, and which, by rendering her master of Echmiadzin, the Rome of the Armenians, ensure to her advantages far superior to those she might have gained by the possession of a large tract of land,—we mean the moral power which Russia has obtained over the Armenian population, by placing under her exclusive influence the patriarch or catholicos of Echmiadzin.

After the capture of Leo the Sixth, last monarch of Armenia, by the sultan of Egypt in 1375, that country never recovered its independence; but although the Armenians lost their political existence, they continued to preserve their nationality, displaying everywhere a strong attachment to the religion, language, and literature of their ancestors. In this respect, as well as in their dispersion over the world and their commercial habits, they bear a great resemblance to the Jews. The Armenians are to be found trading over all Persia, Turkey, the ports of the Mediterranean, India, and many parts of Europe.

The relations of the Armenians with Russia date from the middle ages, and many of them came to that country during its subjection to the Mongols, 1240–1470. The czars of Moscow constantly favoured the Armenians; and in the reign of Alexis a formal treaty was concluded, in 1667, with the Armenian company of Julfa. Peter the Great conferred many privileges on such Armenians as would settle in Russia; and those privileges, confirmed and increased by subsequent monarchs, attracted great numbers to that country. They now inhabit the capitals, many towns of the interior, and all the principal places of the Transcaucasian provinces, besides a town exclusively peopled by them, founded in 1781 on the shores of the Sea of Azof, and called New Nakhichevan.

It would be foreign to our subject to enter into a description of the tenets and rites of the Armenian religion; and we shall only mention, that, like the Greek, it is divided into two churches, of which one acknowledges the supremacy of



the Pope, whilst the other, rejecting the authority of Rome, recognizes as its head the Patriarch of Echmiadzin, who takes the title of the Catholicos of the Armenian churches. This catholicos, on whom all the other Armenian patriarchs depend, and from whom they receive their ordination, is elected by the synod of Echmiadzin, and was confirmed by the shahs of Persia and the sultans of Turkey. Peter the Great in 1724, Catharine I. in 1726, Catharine II. in 1766, and Paul I. in 1798, gave diplomas to the patriarchs of Echmiadzin, confirming their spiritual authority over the Armenian churches of Russia. This was a very natural and lawful proceeding; but in 1800 the Emperor Paul granted to Prince Argootinski a diploma confirming him in the dignity of the patriarch of Echmiadzin, although Russia could not establish any claim to the sovereignty of that see, either *de jure* or *de facto*. The Emperor Alexander also gave, and with no better right, a similar confirmation; but since the treaty of Turkmanschay, Russia possesses an undoubted right to the exercise of this power, and she certainly will take good care to turn it to the best advantage; for the great influence which the patriarch of Echmiadzin exercises over all the Armenians dispersed throughout Asia, converts them at once into the most useful agents of Russia.

We now leave our readers to conclude, from all that we have said, whether Russia possesses sufficient materials for establishing her dominion, or at least an extensive influence, over the fairest portions of Asia; and whether our interests in those quarters are exposed to some danger or not; and we more especially recommend these data to our Foreign Minister. He has now the book which we have received, in his own office, to read: let us hope that he will know how to profit by its revelations.

## ARTICLE II.

*Religious Persecution in Germany.*

PRUSSIA, the classical soil of learning, has been made the scene of a very curious controversy. The thesis was the following: "If a Protestant marries a Catholic, and *vice versa*, what is to be the religion of the child which may spring from such marriage?" The king of Prussia said, "The child shall follow the religion of the father;" and the archbishop of Cologne said, "The children shall all be Catholics." The two antagonists being equally convinced of the indisputable truth of their respective *responsa*, it was difficult to foresee an end to the controversy, till the archbishop practically decided it in his own favour, by forbidding all priests under his jurisdiction to bestow the blessing of the church upon all couples that would not pledge themselves to bring up the children in the Catholic faith. The king then issued orders to his own priests, commanding a regiment of dragoons and a detachment of artillery, to go to Cologne, to seize the archbishop, and to bring him to Minden. As the king said, so was it done. Two non-commissioned officers received the archbishop at Minden; and the king ordered further, that the archbishop should neither read nor write letters without their passing through the hands of the authorities, and being examined by them; and that no man, clerical or lay, without distinction of rank, should be allowed to see him, unless provided with a ticket from the president, Von Bodelschwing. Thus as the archbishop had no one to speak or write to with respect to the point in dispute, and the censorship, on the other hand, took the same view of the question as the king, it might be supposed that the controversy ended here.

Such, however, was not the case; it was now that the controversy really began. Three of his majesty's ministers, Von Altenstein, Von Kamptz and Von Rochow, sent a long article of four columns, signed with their names, to the official gazette of Berlin; in which it was proved that the king was

in the right, and the archbishop in the wrong. Neither the archbishop nor any living soul in Prussia wrote a single syllable against this; and, according to the rule, *qui tacet consentit*, the three ministers had obtained an undisputed victory. But, as the French say, *l'appétit vient en mangeant*; not satisfied with a first, they were desirous of a second and greater triumph. The whole ministry then transformed themselves into another Council of Trent, and, instead of four columns, published two thick folio volumes, in which it was proved again that the king was right, and that the archbishop was wrong. Who could answer this? Certainly, no one in Prussia; but the pope stood up and said: "Not so! the king is wrong, and the archbishop is right." What were they to do with him? They could not send him to Minden, and the Prussian censorship is not so powerful at Rome as at Berlin. In this time of need they selected a man very learned in Protestant theology, and speaking Latin as fluently as the cardinals Mezzofanti and Mai, whom the king ordered to refute both the pope and his cardinals, and, if possible, to persuade them to turn Protestants. This man was Dr. Bunsen. It is difficult to say what he might not have obtained through his solid learning in matters of Protestant divinity from the pope and his cardinals, if the latter had consented to listen to him. But whenever Dr. Bunsen knocked at a door, there was nobody at home to him. Such behaviour was, to say nothing more, uncivil on the part of the pope and his cardinals; and the king of Prussia, who is not a man to pocket an insult, immediately dismissed—the pope or his cardinals? No!—Dr. Bunsen, for not having spoken to them as he ought to have done.

In this strain we might continue for a long while, without altering in the least the truth of the facts, but we hope we have already succeeded in showing our readers one side at least of the question; the blunders and the utter neglect of all forms of justice which characterized the proceedings of the Prussian cabinet. The archbishop was first condemned and thrown into prison; and then they tried him;—before a tribunal? By no means!—the king's ministers sent several quires of foolscap, filled with Hegelian casuistry, into the world,—and this was the trial which followed the judgement.



The negotiation with Rome very appropriately crowned the whole. They have excellent schools and universities in Prussia; and have they still to learn the character of the Romish church? Have they yet to learn that it is a fundamental doctrine of that church, that the pope can never be wrong, and that what he says must be right? Dr. Bunsen, no doubt, is a man of merit and estimable erudition; but if they had sent a second Cicero to Rome, he would not have convinced the pope, because the pope decides, dictates, and never argues in matters of religion. They had an example in the archbishop, an aged man of upwards of seventy, whom they bullied and threw into prison to no purpose; and how could they hope for a moment to succeed with the pope, whom they could neither bully nor throw into prison? It was, on the contrary, the pope, who not only bullied, but actually insulted the Prussian cabinet.

The crown prince of Prussia had lent a sum of money to the duke of Cafarelli, on the security of his palace at Rome. As soon as the pope heard of it, the duke of Cafarelli was punished with confinement in his own house, for having borrowed money from a Prussian prince; and, lest the Prussian cabinet should be mistaken as to the meaning of this measure, a note was sent to their ambassador at Rome, in which he was dryly told to take back his prince's money from the Papal treasury, which would advance it. And, lastly, by an edict, dated the 5th of May, the duke was declared unfit to administrate his private fortune, which was all taken from him and placed in the hands of a prelate, who was appointed his guardian.

A native of Rome, of the name of Rubiconi, who had been an officer in the army of Napoleon, fixed himself, on the retreat from Russia, at Königsberg in Prussia, where he married a Protestant, by whom he had two girls, who were brought up in the religion of the mother. The officer, who had a father living at Rome and possessed of some fortune, went with his family there. When arrived, his father said to him, "Your wife and girls must become Catholics." The wife would not consent, and the son was disinherited. During the presence of Dr. Bunsen at Rome, the two children were taken by force from their mother, and, by the pope's order, conveyed to St. Michaels, where they are to be brought

up in the Catholic religion. This was certainly an act of shocking injustice perpetrated against a Prussian subject, but it was also an insult wantonly put upon the Prussian cabinet, and committed under the eyes of their ambassador. What can they do? Prussia is a powerful country, with a numerous well-disciplined army, and the pope is scarcely strong enough to stand upon his legs, and defend himself from his own subjects. Yet the laughter will certainly not be on the side of Prussia, for her position very much resembles that of Gulliver when he fenced with the flies and struggled in the milk-pot.

The Government began boldly: perhaps with rather too much decision and heroism. The archbishop was arrested in the month of November last year, but what have they done since?—All they could do to hush up the matter. Prussia has covered herself with ridicule if we look to the mere surface of the matter; but what is still worse and of far greater importance, the king has involved himself in dangerous quarrels with five millions of his subjects. He has five millions of Catholic subjects, who see in the imprisonment of the archbishop an attack upon their faith. In Münster and several other places, the intervention of the armed force became necessary; blood has been shed, and the king is at daggers drawn with his Catholic subjects in the east as well as in the west.

The dispute between the king and the archbishop is a question of law and right. The king is not master at home with respect to the Catholic church, whose rights are contained in the law of the Germanic Confederation, and in a concordat which the Prussian cabinet voluntarily concluded with the pope in 1821.

On the 25th of February 1803, not long before the dissolution of the German empire, the Imperial Diet resolved, with respect to the bishoprics, chapters and other clerical corporations possessing votes at the Diet, and secularized at that time, that their properties should be employed as an endowment for the Catholic church and Catholic schools. This resolution was received into the legislation of the new Germanic Confederation (8th of June 1815, and 15th of May 1820), and the archbishoprics and bishoprics created afterwards in Baden, Wurtemberg, Bavaria, &c. received such an

endowment, which rendered them completely independent of the Government with respect to their finances. When the archbishopric of Cologne was created, the landed properties which were to serve for its endowment had been mortgaged by the political Government (in 1813), but the king of Prussia bound himself to redeem them before the year 1833, and to pay the archbishop, in the interval, a yearly sum equivalent to the revenues of this property. The year 1833 came, but the king showed no intention of fulfilling his engagement. This led to negotiations between the Roman see and the Prussian cabinet, which were broken off a few weeks before the imprisonment of the archbishop. The negotiations were carried on by Monsignor Capaccini; and this affair, which was scarcely mentioned in our papers, is exactly the most important point in the history of the affair of Cologne. The Roman see insisted upon the restoration of the landed property, the possession of which was to render the archbishop completely independent of the government; and it is not at all impossible that the Prussian cabinet, which was anxious to continue the provisional state of things which converted the archbishop, in a certain way, into a paid functionary of Government, conceived the idea of venturing a bold stroke, calculated for intimidation, and, with this view, hazarded the outrage at Cologne.\* If this had succeeded, the cabinet

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\* The subject was first hinted at in the German papers, as may be seen by the following passage, which we take from a letter, dated Berlin, the 15th of December, in the general Gazette of Leipzig, one of the best-informed papers of Germany on the subject:—

“It is said that Monsignor Capaccini came hither to fulfil a mission, whose object was to obtain a new landed security for the salaries of the Catholic clergy in the kingdom of Prussia. By our concordat with the Roman see, these salaries are claimed upon estates in the grand dukedom of Posen; and, in this respect, the position of the Catholic clergy is undoubtedly more advantageous than that of *other public functionaries*. But this was not sufficient for the court of Rome, and Monsignor Capaccini had been charged to insist upon the security being transferred upon estates situated in the Rhenish provinces. It is evident that it is the clergy of the Rhenish provinces who provoked the negotiations, for they are directly interested in them. *The coincidence between the recall of Monsignor Capaccini and the arrest of the archbishop of Cologne* naturally gives rise to many rumours and conjectures, which we abandon to the appreciation of our readers.”

The style of this curious document is that which the censorship forces men to adopt who are anxious to be permitted to say what they intend. Very little practice is required to retranslate such hints into a very clear and lucid statement; and, by combining this somewhat obscure document with the more known facts, we shall obtain the following somewhat clearer view of the negotiations between Monsignor Capaccini and the Prussian court.



of Prussia might have earned a great reputation in the stock-jobbing world for so bold a manœuvre; but as it is, it

The sums which the government yearly paid to the clergy were no salaries, but an indemnity to be paid until the restitution of the property to the lawful owner. Monsignor Capaccini claimed the restitution of the property—and the government answered: The clergy regularly receive their salaries like the other "public functionaries." If you desire, however, to have the payment secured upon land, we offer you a mortgage on such and such estates in the grand dukedom of Posen, representing exactly the value of the capital for which we pay a yearly rent.

Imagine now, for instance, our own Government taking away from the duke of Bedford, or some other nobleman, his lands; and when the owner asks for a restitution, telling him coolly: "The essential point for you can only be to touch the revenues which your lands yield; we shall pay them to you, and, as a security for our so doing, you shall have a mortgage upon your own property." But the cabinet of Prussia offered to give a mortgage upon a property of their own, and not upon that of the church! This was still worse. The lands offered were crown lands, and as such inalienable; the security offered was therefore a mere fiction. A still greater perfidy lurked under the tender. Prussia consists of two completely different countries. The king of Prussia entered the Germanic Confederation with only 8,640,100 subjects, while the whole number of his subjects was at the time 11,633,177. With respect to the first, the king is subject to the jurisdiction of the Germanic Confederation; with respect to the smaller fraction remaining, the king's power is absolute and unlimited. The grand dukedom of Posen makes part of those possessions which come under the last description. Monsignor Capaccini, by virtue of the law of the Germanic Confederation, claimed the *property* of estates situated in the country within the jurisdiction and protection of the Diet; and the king offered instead, a mortgage upon a property of his own, not within the jurisdiction of the Diet, as a security for the regular payment of the revenues of the property claimed. Suppose he does not fulfil his engagements: the seizure of the security could not be effectuated by legal proceedings, but only by negotiations with, as it were, a foreign prince, or, in case of no result by this means, through a war against him; the seizure of the mortgage could only be, either a voluntary cession, or a regular conquest. Monsignor Capaccini it is evident raised claims to which he was entitled, and the Government answered him by pettifogging shuffling, which they had not even the modesty to hide under the hypocritical appearance of legality. What wonder, therefore, if Mons. Capaccini broke off the negotiations!

We need scarcely add, that we only lay before our readers the facts of a legal case; but lest it should be thought that some of these facts would also be applicable to the appropriation of our church property, we will add a few words more. Our church has only the usufruct of what is called church property; the real proprietor is the nation, and the nation may change its destination. But in the case of Prussia, the real proprietor is the Germanic Empire as represented by the Diet; and the Diet, for the very same reason—that it gave the full enjoyment of the estates in question to the Catholic church, might also have given it to any other. If we establish, therefore, a comparison between the two countries, we must say, the disposal which the king of Prussia claimed, would be, as if our ministry, upon their own responsibility, without the concurrence of the representatives of the nation, were to make alterations in the destination of our churchlands. In Germany, the alteration could only proceed from the Diet, and never from the king of Prussia alone.

The case between the church and the king of Prussia is, therefore, simply this: the church claimed to be put into possession of their own property, in order to be rendered independent of the political Government; and the king insisted upon paying salaries, which were to assimilate the archbishop and his clergy with public functionaries paid by, and dependent upon Government. The value of the capital claimed by the church is no less than five millions of dollars, or 734,375*l*.

may only serve to involve it in difficulties with the Diet of Frankfort. As long as the Diet was apparently guided by Prussia, the latter had nothing to fear from it; but it remains to be seen if Austria will not profit by the opportunity to put an end to Prussian influence there.

The concordat concluded between Prussia and the pope is dated on the 16th of July 1821 (Bull. *De salute animarum*), and received the royal placet in the following month (23rd of August). The pope, during six months of the year, has the nomination of all prebendaries, deans and provosts; in the six other months, it is the bishops of Cologne, Treves, Paderborn and Münster who have to nominate. The Catholics enjoy the right of appeal to the *Forum pœnitentiale curiæ Romanæ*, and mere *Epistolæ sedis sanctitatis Romanæ* are not subject to the royal approval; in questions of organization alone the royal placet is required.\* &c. &c.

By the legislation of the Diet, and by this concordat, which was not at all favourable to the King, though he himself concluded it, the Catholic church was rendered completely independent of the political government,—independent in its income, and independent in all and every matter of a religious nature. This was a grievous anomaly in Prussia, and fraught with great mischief. The government of Prussia is, however it may be modified in its execution, a military despotism,—centralization pushed to a degree in which it exists in no other country, excepting Russia and Egypt. The direction of the commerce is in the hands of the *Seehandlung*, which is the king; the money affairs in those of the bank, which is the king under a visor; the legislation is the king, who issues cabinet orders; the press is muzzled; public instruction is entirely directed by the king, &c. &c. It is true, all these things have an organization, and, as it were, limbs and a body like Punch, but no other soul than that which the king is pleased to bestow upon them; there is in fact only one person in Prussia who has a will, and that is the king. We repeat it again, the question is not how this immense and really unlimited power is made use of, though even in this respect we are far from

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\* The details are to be found in, *Neueste Einrichtung des preuss. cath. Kirchenwesens*, Frankfurt A.M. 1822. *Die Emser Artikel beleuchtet von Kapp.* Aschaffenburg 1811. *Deutsche Staatsannalen von Bauer.* Aschaffenburg 1814.

entertaining the favourable opinion of Prussia, which many people here do :—we only wish to say, such is the constitution of Prussia, and in the midst of such a state one completely independent body was placed—the Catholic church.

Political freedom and freedom of discussion are completely quashed, and the pope alone has his hands free;—what wonder that he used them ? If the king had given a constitution to his subjects, as he promised to do,—if there was a free press in Prussia, it would be difficult to distinguish a Protestant from a Catholic ; but, unfortunately, the king only allowed complete freedom to the most dangerous of opinions,—to Jesuitism and Ultramontism. The natural consequence of the privileges which the king himself bestowed upon the Catholic church, and the despotic form of the political Government in respect to all the rest, was, that the Catholic church became the only privileged body in the kingdom, and at last the rival of the king ; and this is the real ground of the whole question, as the official gazette of king Ernest, who from the beginning strengthened the cause of the king of Prussia by his open assistance, gives us clearly to understand, in a letter dated Berlin, the 6th of December, from which we extract the following passage :—

“ The comparison which the newspapers have laboured to establish between the arrest of Baron Drost von Vischering (the Archbishop of Cologne) and that of Pope Pius VII. contains no truth. The archbishop is a SUBJECT of his majesty who has refused to OBEY him, and evidently endeavours to make the interests of the church prevail over those of the government.”

In itself, we should think the endeavour of the archbishop to forward the interests of the church which has been placed under his care would be no crime ; and even in preference to those of the political government, because he has nothing to do with the political government. Moreover, if a man, by the very nature of his functions, is limited to doing one thing, we should be a little charitable when we judge him for forwarding it alone, in preference to another thing which he has not to do. But if it be said, that in his functions he oversteps the lawful limits of the state in general, we answer :—How can the archbishop commit an illegality in insisting upon the execution of laws acknowledged by the king, the federative legislation and the concordat, and in claiming rights



by virtue of those laws? Perhaps king Ernest might reply to this;—"A law, like a constitution, is a bit of waste paper—a mere rag with which I may wipe my shoes whenever I like; because I am a king, I know of no written law; I only acknowledge a spoken law—what I say, that is law, and nothing besides." But the king of Prussia cannot say this; for, with all his despotism, he pretends to respect the law. Nevertheless, the undisguised assistance which the king of Hanover has lent to the king of Prussia might engage several persons here and elsewhere to a perhaps forced application of Virgil's

"*Qui Bavium non odit, amet tua carmina, Mævi.*"

The pope in his worst times, when the battle was between him and the German emperors, between the word and pretext of right and the brute force of the sword, has found admirers even amongst good protestant historians,—Guizot for instance. For ourselves, we think the church ought to be separated from the state; and we can therefore perceive no harm in the independence of the Catholic church in Prussia. But if such a state of things proves unfavourable in Prussia, in consequence of the dependence of the Protestants, this is no fault of ours; the king can easily remedy it, by giving, after twenty-three years of expectation, that constitution which he promised at Kalish, and which would give general freedom to all his subjects.

Until now we have seen, that the dispute between the king and the archbishop was not one between pretension and pretension; but between claims founded upon law on the side of the church; and on the side of the king, undisguised despotism, acknowledging no law but the will of the stronger. The details are dry, and complicated by the bad faith with which the strife was carried on on both sides, as we shall show hereafter; however, as a general mention of them is indispensable for the understanding of the hidden motives, we shall endeavour to cull out from the confusion a short statement of the case.

The lengthy publication of the three ministers which we mentioned at the outset, could, apparently, not have any end but that of communicating to the public the motives which

had engaged the king to take, by an armed force, a man of more than seventy years of age from the exercise of his functions, and to place him without any show of trial, in close confinement. Well, if we wring and squeeze, and strain and dissect this limbless, shapeless and fleshless ghost of an Ossianic ghost, we obtain the following trunk and head.

The trunk or the largest part consists of self-praise. The wisdom of the Government is set forth as a postulate, without any substantiating proofs, in several thousand words and phrases. The obscurity and nerveless prolixity of this style is a real merit; because if the expression were a little clear, we should have got at once a most impudent and disgusting model of vanity and braggart self-sufficiency. In this pyramid, which the king's ministers have raised to their own honour and glory, really admirable from its unblushing boldness, they have enshrined the one period subjoined as a small substance, the head of the thing,—a *caput mortuum*, which seems intended to play the part of a formal indictment.

"No success having attended the conciliatory attempts (made in the first instance by direction of the king's official servants, and subsequently repented by His Majesty's immediate command) to make the archbishop aware of the limits to his official authority, and warnings having proved equally fruitless as to the inevitable and serious consequences of his continued resistance to the existing laws; and indeed the said archbishop having declared his resolution to persevere, as heretofore, in the application of the principles which he has adopted; and, finally, not having hesitated to take steps himself to excite the minds of the public; the king (being unwilling, out of regard to the friendly relations subsisting between His Majesty and the see of Rome, to give full scope to the severity of the law against the archbishop) had no other course left him, with a view of vindicating the rights of his crown,—of preventing most prejudicial confusion in the administration of one of the most important branches of public affairs; and above all things of preserving peace and harmony amongst His Majesty's subjects (in which object His Majesty's endeavours have been constantly blessed by Providence), than to put at least an end to this exercise of official functions in any way whatever, on the part of the said prelate," &c. &c.

How often the reader will pause to take breath during the perusal of this period, which all the rest resemble as one drop of water does another, we know not; but this we think, that if, instead of sending whole regiments of horse and foot to Cologne, the Government had merely commissioned two



dragoons, hussars, cuirassiers, or police-serjeants to force the old archbishop to read this one period from one end to the other without taking breath, they need not have frightened the town of Cologne out of its propriety. And we really cannot see what more striking triumph the justice of Government could have attained, than if the poor old man had fallen dead on the carpet in the midst of reading the ministry's *publicandum*.

If the Prussian ministry had penned this *publicandum* with such a purpose, we might have exclaimed, like Shylock,—“a Daniel come to judgement!” but if the thing were merely intended for a sober charge, we should have desired fewer generalities and a little more specification. However, we must take it as it is; and what do we obtain by carefully sifting all the words of the period? The archbishop is accused of “resistance to the existing laws,” of “attacking the rights of the crown,” and, finally, of “exciting the minds of the public.” Exciting their minds to what? If the archbishop had broached a pipe of wine *gratis*, or invited the whole town to a ball, he would have excited the minds of the public,—but this would not have been a crime. The thing could only be a crime if he excited them to commit criminal actions, or to set the authority of the king and laws at open defiance. The archbishop probably was a Jacobin, a republican, who was plotting a bloody revolution against the Prussian monarchy. But as in matters of indictment we ourselves do not like to rest upon probabilities and riddles, we will drop this point altogether; for the two points left are important enough, if proved, to endanger a man's life in any country of Europe. If the archbishop resisted the existing *laws*, he committed a crime, whatever it may have been, for which the *existing laws* must needs have fixed a punishment, for the very reason that they were existing. If the archbishop attacked the rights of the crown, he committed, according to the definition of the Prussian code itself, a *crimen læsæ majestatis*, for which he might have incurred—death. If there was ever man that ought to have been indicted and tried, it was the archbishop, upon such an accusation.

And was he tried? “The king was unwilling, out of regard to the friendly relations subsisting between His Majesty and the see of Rome, to give full scope to the severity



"of the law against the archbishop." And is an archbishop to be freed from the severity of the law, because he belongs to the pope's church? How then, can the king complain of undue encroachments of the Romish church, if he himself is of opinion, that a Catholic priest may commit whatever crime he chooses without experiencing the severity of the law? This is a theory which does not please us at all. The archbishop, thus, owed an exemption from punishment to his personal position; it was a benefit bestowed upon himself; but a benefit and grace may be not accepted; and, indeed, the archbishop immediately said, "I will experience all the severity of the law without any mitigation; try me." No answer from the king. The nobility of Westphalia then sent a deputation to Berlin, with a mission to pray the king respectfully to try the archbishop, because they would be the first to applaud the very severest punishment, as soon as the crime was proved. What did the king? He did not admit them; saying, "they could not tell him anything new." This was perfectly true; for how could they tell him anything at all, if he would not listen to them? But a mere newspaper scribbler—a man without title or birth, with nothing but a little talent and acquirements—Dr. Kolb, in his Augsburg Gazette, wrote, "*The publicandum* contained falsehoods." In conclusion, the archbishop was not tried, and still awaits a trial at Minden; and thus the *publicandum*, in all its length from one end to the other, falls to the ground, because the truth of its statement was publicly impugned; the king's Government was defied to try the criminal, and it did not try him. Things being so, we must beg liberty to postpone any further attention to the *publicandum* till after the issue of the trial, which will not take place.

It was in fact only through the newspapers that the German public was informed of the special grievances the Government had against the archbishop, and in a more authentic way, through a letter of the archbishop himself, dated the 31st of October, and addressed to the minister von Altenstein. This letter, which scarcely contains as many lines as the *publicandum* does periods, we subjoin, with the omission of one passage of no importance for our purpose.

"To Baron von Altenstein: In answer to the letter your excellency

addressed to me on the 24th, I have the honour to say, that I do not remember having afforded you any ground to suppose that I charged myself with indecorum, in several steps I had taken in the affair of the doctrine of Hermes. All this being a mere question of dogma, and belonging to purely spiritual matters, the church alone has a right to decide upon them. As regards mixed marriages, I reiterate my statement, which will be found to agree with the written declaration I had the honour of transmitting to your excellency previous to my election, in an official and confidential correspondence, that 'with respect to mixed marriages I would be guided by the brief of Pope Pius VIII. and the instructions addressed by the bishops to the vicars general; that I would do my best to reconcile the instructions with the brief, but that in all cases where this should not be possible, the brief should be the sole rule of my conduct.'

"Finally, I feel under the necessity of claiming liberty of conscience, and the free exercise of spiritual power, which the church has confided to me in order to defend its rights. I moreover observe, that my obligations towards the diocese committed to my care, as well as towards the entire church, do not admit of my ceasing my functions, or resigning my see. In all temporal affairs I shall obey His Majesty, the King, in a manner becoming a faithful subject.

"Receive, Sir, &c.

"Cologne, Oct. 31."

"Clement Augustus, Archbishop of Cologne."

These statements are simple and lucid. The dispute ran on two subjects,—the doctrine of Hermes, and mixed marriages. The doctrine of Hermes originated with a late professor of Catholic divinity in the university of Bonn. The archbishop declared that doctrine to be contrary to the dogma of the church, and forbade the students to frequent the lectures of professors adhering to that doctrine. The difficulty about the mixed marriages was not raised by the archbishop; it had subsisted for a long while before.

We have to distinguish in the marriage two things; a religious act, and the conclusion of a civil contract, creating obligations and rights for the couple and their future issue. The most reasonable way to avoid confusion is to separate the two acts, so as to attribute the civil contract to civil authorities, and the religious act to the church. In Prussia such is not the case. The one contract of marriage requires the publication of the bans, and the benediction of the church. In case of mixed marriages, the bans are published in the two different churches of bride and bridegroom, and the ceremony of marriage itself is performed twice. In 1818, that is to say before the conclusion of the concordat, the provisory vicar-



general at Achen, in a circular letter, dated the 24th of July, issued an instruction to the Catholic clergy, in which it was said that "the Roman see, in cases of mixed marriages, requires " the Catholic party to promise to educate the children of both " sexes in the Catholic religion ; if the promise is refused, the " priest has to give a written declaration to that purport, which " is to serve in place of the *Dimissorialia*." That is to say, the Catholic church refusing to perform the ceremonies required, a simple declaration of the fact was to replace them, and the contract of marriage became fully valid by the one-sided assistance of the Protestant clergyman. On the 1st of March, 1819, an order of the king was published, in which it was declared that " the proceedings of the Catholic clergy were contrary to the principles of the royal government." The written declarations mentioned above were forbidden, and the Catholic clergy refused to bless mixed marriages. The concordat contained nothing on the subject ; and the two parties came to no agreement before the 25th of March 1830, when Pius VIII. published his brief, in which it was prescribed, that if both parties would not promise to bring up all their children in the Catholic religion, the church was to lend *assistentia passiva* ; that is to say, the priest might perform all the ceremonies of the church without formally acknowledging that the bringing up of the children in the Protestant religion was conformable to the dogma of the church. On the 19th of June 1834, the cabinet concluded a secret agreement with the archbishop of Cologne, Count Spiegel, that he should explain the concession of the pope, so as to preclude any mention or question on the part of the Catholic clergy, respecting the religion of the children, when performing the marriage ceremonies. Count Spiegel died in the month of July the following year. The archbishop is elected by the chapter, without the king's concurrence ; only it is promised that the elected shall be a person *agreeable (angenehm)* to the king, which, in a certain way, gives him a veto. Drost von Vischering, the present archbishop, was elected. The king's ministry then charged M. Schmülling, canon regular at Münster, to ask the new archbishop if he would adhere to the convention entered into with Count Spiegel. The archbishop answered ambiguously, by writing to M. Schmülling that " he should be far from



not maintaining the agreement entered into *in conformity with the brief* of Pius VIII." The archbishop afterwards consulted the Roman see, and the present pope, who was the very person that had written the brief, told him the agreement of Count Spiegel was *not in conformity* with the brief; and the archbishop then rejected it.

We see here already a great deal of underhand dealing. The contracting parties were incontestably the king and the pope. Why, then, did the king's Government negotiate again on the same subject with the archbishop, for an explanation which rendered the brief of the pope a greater concession than its wording purported? This new agreement, however, was in the eyes of the Government itself, only personally binding on Count Spiegel; else, why should they have applied, after his death, to his successor, in order to ask him if he acknowledged it as binding upon himself? And now observe well the mode of the application. The Government did not directly question the archbishop; they chose a secret agent who asked the archbishop, and to whom the latter alone answered. Such understandings are unworthy of a straightforward Government, and do not bear the signs of a good cause. The answer of the archbishop was evasive—and the overreachers thus overreached.

In respect to this point the archbishop could, therefore, not be guilty of the breach of any law. For what was the law he had broken? The agreement of Count Spiegel? This the government did not consider as binding upon his successor, because they specially applied to him. Was it then the letter of the archbishop, written not to the government, but to a canon of Münster,—a mere confidential letter? This letter was differently explained by the cabinet and the writer. The cabinet, therefore, as in the case of the pope's brief, wanted to conclude a new agreement, for the sake of establishing a meaning for the letter. In the case of the pope, they requested a person who was not the pope to explain the brief to them; and in the case of the archbishop, they entered into an agreement with themselves to give an authentic explanation. This may have been very cunning and sly, but it was contrary to the prescription of the Ro-

man law, which says, "*Verborum suorum optimus quisque interpretres.*"

The remaining difference respecting the doctrine of Hermes can be stated in a few words. Hermes was a professor of Catholic divinity at the university of Bonn, whose doctrine was, after his death, taught there by some of his disciples. He altered no dogma of the church; his innovation only consisted in his endeavouring to prove that the belief of the Catholic church was in no cases contrary to the postulates of reason. The Catholic belief being one of authority, and not based upon argumentation, the archbishop of Cologne declared the doctrine to be dangerous, and forbade the Catholic students of theology to frequent such lectures. In this the archbishop was perfectly within his right; for the concordat gave to him the exclusive care of all spiritual matters, and especially the superintendence of the education of his clergy. The students when they leave the university enter into seminaries entirely under the direction of the archbishop, where they finish their studies. It is true that they become priests, and the archbishop can reject whomever he likes. If the cabinet see this with displeasure, why did they conclude their concordat, which nobody forced them to do, and which bestowed these rights upon the archbishop?

The doctrine of Hermes and the mixed marriages then were the points in dispute between the king and the archbishop. The archbishop endeavoured to justify all he did by the law as existing; and the Government said he was wrong in the explanation of the letter of the law; and therefore they thrust him into prison. And this done, they sent Dr. Bunsen to Rome with a mission,

1st. To explain why the archbishop had been so treated.

2dly. To convince the pope that the doctrine of Hermes was in conformity with the dogma of the church.

3dly. To persuade the pope to adopt the explanation of the brief of pope Pius, as agreed between them and count Spiegel.

That is to say: the cabinet first threw the archbishop into prison because he had wrongly explained the law, and immediately afterwards they despatched Dr. Bunsen to Rome to



entice the pope into a new engagement, which was to render their own explanation valid. The archbishop, it cannot be denied, was thrown into prison for an explanation of the law, which the Government by their subsequent actions professed to be doubtful even in their own eyes. Turn the questions as you will, and you still have a complete subversion of all forms of justice. But what is a form? Our juries are only a form of proceeding—shall we therefore give up the institution? Every law must be a form, because all human objects must, before they can become visible and perceptible, adopt forms—without forms no perceptible objects, without legal forms no law.

The friends of Government were so well aware of this circumstance, that they did not endeavour to justify the act in itself, but only to excuse it by the *intention* with which Government committed it. In fact, we have only to take up the letter of the archbishop, which we transcribed above, and it will also speak against the archbishop. The cloven foot peeps out from under the veil of simplicity and candour in which it is wrapped. With the doctrine of Hermes the simple mention of the word reason was proscribed; and the archbishop interfered with public instruction by limiting it to the least portion of enlightenment possible. The archbishop not only forbade his priests to lend their assistance in cases of mixed marriages, unless the children were all to become Catholics; but the latter also represented all mixed marriages in themselves as sinful, and scarcely better than a concubinage on the side of the Catholic party. The offences to be laid to the archbishop are therefore—resistance to the cause of enlightenment, and the promotion of downright intolerance. If the act of Government was therefore excusable, it must have been so, because the Government acted with an intention of promoting enlightenment, and resisting intolerance.

We entered unwillingly upon the preceding details, but the question is intricate; and we were obliged, as it were, to shatter the outside shell for the sake of getting near the core. What is to follow will be of a more general and more interesting nature, because showing the intricate policy of the Germanic Confederation in a new light, rendering the



principal outlines of this strange edifice prominent, and easy to be seized.

As long as prince Hardenberg directed the government of Prussia, she possessed many praiseworthy institutions; since the death of this intelligent statesman, a divided retrogression has taken place in almost everything. The policy and government of Austria is to day what it was in 1830 and 1815, and two and three hundred years back. Austria in 1830 was the most illiberal despotic government of Germany, perhaps of the whole continent. At this moment, though, as we have said, it is today what it was in 1830, Austria appears as a liberal and uncommonly enlightened state, if we compare it with Prussia.

The character of Don Carlos is well known—Prussia sent him officers and more money than such a poor country can reasonably spare; the *Berliner Wochenblatt*, the darling of the court, contained, of all the papers of Europe, the most rabid and fanatical declamations in favour of Don Carlos. In the course of last year the king of Prussia and the emperor of Russia devised a congress at Töplitz for the sake of openly espousing the cause of Don Carlos, and assisting him by a direct intervention. Prince Metternich showed himself averse to this scheme, and the congress had no result at all.

The doings of king Ernest are well known. He was thrown over by all the princes of Germany—the king of Prussia alone backed him. Prince Metternich is willing to assist the cause of the Hanoverian people at the Diet; and king Ernest is at this moment at Berlin to ask protection from the king of Prussia and the emperor of Russia.

How Prussia kept its neutrality during the Polish insurrection is known. Austria was strictly neutral. After the unhappy end of the war, several thousands of houseless, helpless, unarmed Poles who had taken refuge on the soil of Prussia, were, *not* delivered up to the emperor Nicholas, this would have been an act of humanity in comparison; but chased by Prussian soldiers, like wild beasts, killed, or driven at the sword's end over the frontiers into the hands of the Russians, where a no less certain death awaited them. The Poles were suffered for a while in Austria, and at last—given up to the Russians? Prince Metternich would have thought this a

disgrace to his country—the Poles were told to go to America.

It is generally known, that in consequence of the feast of Hambach, in Rhenish Bavaria, and the movements connected with it, a great many liberals in Germany were forced to leave their country. Prince Metternich, in the course of last year, was willing to propose at the Diet a general amnesty for all political offences: the amnesty was not published in consequence of the violence with which Prussia opposed it.

All these are facts of public notoriety that have happened within the last six years; within these six years Prussia has become a hundred times more illiberal and treacherous than Austria, though not the shadow of a progress has taken place there: is this not a striking, a shocking retrogression?

Is there any ministry in Europe which could have made more unpardonable blunders, (for we will leave justice altogether out of the question,) than the Prussian ministry managed to commit in their dispute with the archbishop? The pope is the weakest sovereign in the world, scarcely able to retain his throne against his own subjects; and by their blunders the pope has become a powerful sovereign, at war with Prussia, with equal chances of success. Is such a situation possible, we ask, unless we presuppose the most monstrous blundering, an illiberal policy and a talentless ministry? Suppose that tomorrow instead of the whigs we had a tory government, and Londonderry as prime minister; would not England become a somewhat different country from what it is now? What then must happen in Prussia, where the people have no rights, and the Government is the country?

The home as well as foreign policy of Prussia can be stated in one word—it is centralization—that is to say, despotism is the home policy, and the conquest of Germany the foreign policy. It is the king who makes the law by publishing cabinet orders;—the supreme tribunal of appeal for all civil and criminal causes is a section of the ministry of justice presided over by the minister of justice—the administration of the law is again the king. Prussia is a camp,—all subjects are soldiers commanded by the king. He possesses the bodies of all his subjects; and by the education of the children, he forms the minds of all his subjects: the children of



peasants are taught reading, writing, cyphering and music ; however, geography, history, &c. are especially proscribed by edicts of the king as dangerous, because they produce half-learned men (*Halbwisser*). Say every body knows how to read and write ; the press in no country of the world, not excepting Russia, is more shackled than in Prussia ; nowhere is the censorship exercised with so great a degree of severity\*. What advantage is it if we teach our children with great pains to eat, and then refuse them food ? This is exactly the encouragement which public instruction *now* (for we do not speak of the times of Hardenberg) receives in Prussia—the children are taught to eat, and the censorship proscribes the use of food.

There was only one thing left which was not completely regulated by Government—religion. The freedom of conscience showed itself in the equal protection which the different Christian professions enjoyed in Prussia. Since 1830 the state of things has been altered. In that year the king issued a cabinet edict, ordering all his Calvinist and Lutheran subjects to give up their different tenets, and combine into one church, whose creed was contained in an *agenda* elaborated in the king's cabinet. And in what consisted the new creed ? Like a Roman emperor the king decreed his own deification, and divided the empire with the God of the Christians : so that the latter was to receive "the praise" of the king's subjects, and the king their "love." This was not said in express words ; but at all events, the official Gazette, since that time, always mentions together God and the king, and never forgets to add that the subjects owe praise to the first, and love to the latter. Many of the king's subjects did not like this new religion, called by the king *the evangelical* ; several Protestant clergymen, who showed resistance, were imprisoned, and one

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\* This can be easily illustrated by the dispute with the archbishop. All publications in favour of the archbishop were forbidden circulation in Prussia. The *Augsburg Gazette* writes under the 5th of December, that the court of appeal at Cologne had received an order from the king, proscribing even oral expressions in favour of the archbishop. The court refused to promulgate it as not within their powers. The dispute, on the side of Government, was entirely carried on in German newspapers out of Prussia. It was with great difficulty that Dr. Marheineke, the best professor of Protestant divinity they have at Berlin, received the *imprimatur* for a pamphlet which he published in favour of Government, and in refutation of the *Athanasius* of Goerres.



at Erfurt, no later than last year. He languishes still in a fortress; and in Silesia blood was spilled by the dragoons who were sent there to introduce the king's *agenda*. The sword and red eagle, third class—these were the apostles the king sent out to preach his evangelical doctrine. He who resisted was converted with the sword, and the clergymen who submitted received the red eagle. Thence the well-known passage of Heine:—"And the king's *agenda*, borne upon the wings of the red eagle third class, flies from church steeple to church steeple." The king, then, it cannot be denied, set up the same pretensions as the pope, viz.—to be the supreme and infallible authority in all matters of belief. We can now understand better what he did in respect to his Catholic subjects.

The king arrogates to himself the right of declaring whether the dogma of Hermes is orthodox. The archbishop and the pope said the dogma was contrary to the principles of the church, and the king said,—It is orthodox. With respect to mixed marriages, the king stopped the freedom of discussion altogether. He said to the Catholic priests,—“You are forbidden to examine whether mixed marriages are in conformity with the tenets of your church: you shall express no opinion on the subject, but simply perform the ceremonies of the church;” whilst he, on the other hand, took active measures to settle the religion of the children by cabinet orders.

In matters of religion we must establish for Prussia the same distinction which we laid down for her as a political body. In that part of Prussia which is comprised in the Germanic Confederation, the Catholic church has a protection for its rights in the Diet; in the remainder (the archbishopric of Gesen and Posen) the king is the sole master. In the eastern provinces of Prussia the religion of the children had been regulated (in 1803) so that they were to follow the religion of the father. Mixed marriages are principally contracted by public functionaries, who are almost to a man Protestants, with rich Catholic heiresses. These functionaries being entirely dependent upon the king's Government, it is clear, that even if the option of the religion was entirely left to the parents, as the Government pretended it was, yet this option would prove a mere farce, because the Government might (and did) give orders to their servants to

bring the children up in the Protestant religion. The Government, in one word, took active pains to make proselytes, and manœuvred so well, that in Silesia the number of Catholics considerably diminished. Whatever we may think, therefore, of the behaviour of the archbishop in itself, still it is evident that the provocation proceeded from the Government; and the provocation being backed by the whole influence of the Government, we can excuse the archbishop, if he endeavoured to protest in the loudest and most energetic manner he could.

On the other hand, the papers in the pay of the Prussian Government let the secret out, and all of them with one voice, said, after the occurrence of Cologne, "It is time for Government to show itself in earnest,—to do away with the pope's authority, and to establish a national German church." The thing was not new. During the reign of Napoleon the whole Catholic church of Germany was placed under the authority of a German pope, the primate of Frankfort, prince Dalberg, one of the most enlightened men of his age. It cannot be denied that the adherents of Hermes showed a tendency towards the old state of things; Hermes gave to the Catholic church, (and this was his innovation,) two masters instead of one,—the pope and reason. The king liked this theory, because he actually intended to put the first out of the way—and as to reason, the king of Prussia is the legal personification of it.

Though we have viewed the question in respect to Prussia alone, our readers will already be aware, that Prussia, in pursuit of such a scheme, was to enter into conflict with the Germanic Diet, which is the guarantee of the *status quo*, and that, in fact, the establishment of this Prussian national German church could only be realized by a previous defeat inflicted upon the Diet. The Diet, our readers know, represents Germany as a political unity, just as the Swiss Diet does Switzerland. The German Diet, since 1832, has obtained a great deal of power and influence; and it would be still stronger if it only had an acknowledged head. As it is, Prussia and Austria contest with each other the supremacy of the Diet and of Germany. The Diet being a legislative body passing its decrees by votes, the remaining German princes who send

representatives to the Diet are the body to which both Prussia and Austria have to apply for a satisfaction of their political ambition. If Prussia were no longer able to counterbalance the influence of Austria in the Diet, the king of Prussia would lose all the benefits of his sovereignty; in other words, the power of Prussia is dependent upon the influence the cabinet exercises in the rest of Germany, where this position, *vis-à-vis* of the Diet, forces them to enroll a party for Prussia.

In this respect the position of Prussia immediately after 1815 was as follows. The pretensions which the house of Austria had established to the supremacy of Germany by long hereditary possession of the imperial crown,—for the election to the empire had become a mere formality,—rendered all the smaller princes, who had been emancipated and made sovereigns by Napoleon, necessarily jealous of Austria; and, in consequence, partisans of Prussia, in so far as it was against their interest to have the power of Prussia diminished. Austria, from the beginning, had her party among the nobility, who, under the old imperial constitution, had been the equals of the present sovereign princes, and thus are necessarily jealous of the latter, who, indeed, have become sovereigns at their exclusive cost. The princely houses of Germany, moreover, are mostly of recent origin, which proves a new topic of jealousy to the nobility, the nature of which we will illustrate by an event which happened very recently in Würtemberg. The king of Würtemberg required the noblemen resident in his kingdom to send in their letters of nobility, in order to have them registered. A baron von Gemmingen sent in a copy of Rixner's *Turnirbuch*, marking there a passage in which a Gemmingen was mentioned as having been present at a tournament in quality of a knight, and followed by a squire who was—a count of Würtemberg, of whom the present king is a descendant. The nobility of Germany are so far from having given up their old pretensions, that they are still organised, as before, in circles with presidents, who are in regular correspondence with prince Metternich.

Prussia, however, had also a strong party in the nation, where Austria originally had none; for Prussia, by placing herself at the head of the literary movement since 1815, gained,



in fact, the adherence of every enlightened man in Germany, as well as the cordial wishes of the whole liberal party who saw in Prussia a protection against the *jure divino* despotism of Austria.

The protection of science and instruction Prussia has now given up; on the contrary, she was the foremost in clipping all the public liberties of Germany, by means of the famous decrees of the Diet in 1832 and the following years. And what is the position of Prussia now in respect to Austria? Austria is the avowed protector of Catholicism, whilst Prussia is that of Protestantism. In consequence of the altered policy of Prussia, which was a grievous blunder, the rivalry between Prussia and Austria has the exclusive character of a religious rivalry, and this is the main feature of the affairs of Germany at this hour.

As far back as 1826 the propagation of Protestantism by Prussia became prominent in Germany. The character of Protestantism is entirely based upon freedom of discussion: now a government which, like Prussia, has within its dominions stifled all public discussion to such a degree, that the whole country has been converted into a mere echo of the king's thoughts and words,—is ill-chosen to forward the interests of Protestantism. What was to be done? They favoured the propagation of mysticism and pietism by means of secret missionaries, who were no less fanatical than those of the Jesuits in France under Charles X., and of secret conventicles, which they established everywhere, and especially in Bavaria, at Erlangen and Munich. The foremost men of this party were Kraph and Dr. Bunsen; and this very Bunsen the Government sent to Rome: certainly, they could not have chosen any man less acceptable to the Romish see than Dr. Bunsen. Another blunder is to be added to the rest. In consequence of the pains the Government took in the propagation of this diseased Protestantism, they lost at once the support of all enlightened Protestants in Germany. Prussia, in one word, decimated her party there, by endeavouring to strengthen it, while Austria gained increased power by mere inaction. If the first had been quiet, the snare which prince Metternich laid for her in the first drawing up of the federal constitution

would have been longer in closing over her head. Prussia, at this moment, resembles the stag, getting still more im-meshed by the very act of struggling.

The rivalry between Austria and Prussia is of long standing, and was a necessity; but Prussia actually defied Austria, by extending her religious intrigues (for another term they do not deserve) into Austria. We refer to the important history of the Tyrolese Protestants, who were obliged to leave their native country, and settled during the course of last year in Silesia,—a fact which has been mentioned in our papers, but in a very fragmentary and often erroneous way.

The Prussian conventicle established at Munich, several of whose members were recently expelled thence by order of the Bavarian police, put themselves in active communication with the peasantry of the valley of the Ziller. In 1831,\* two Prussian missionaries, who cloaked their purposes under the name of an English missionary society which assisted them with funds, made their appearance in the Tyrol, and preached to the Dissenters in the Zillerthal. These were a hundred families, consisting of between 330 and 340 individuals who had separated themselves, about the year 1825, of their own accord, from the Catholic church, and constituted themselves an independent sect under the name of *Manhardiner*, not acknowledging any other authority in matters of belief than that of the Holy Bible. The bishops of Brixen and Insbruck immediately and repeatedly requested the interference of the Government, and the Government constantly refused it. Immediately after the appearance of the two Prussian missionaries a change took place. The fruits of their presence showed themselves in the altered conduct of the Dissenters. It is pretended that they went so far as to create disturbances during the divine service of their Catholic neighbours. However this may be, at all events it is certain that they began to show a great propensity to make proselytes.

A mere chronological statement of the proceedings of the Prussian court in the affair of the archbishop proved a bitter

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\* We believe this date to be correct, for we met with them about this time at Bergamo, where they preached, without the least molestation from the Austrian Government, to the great number of Protestant Swiss whom the silk trade and manufactories have drawn there.

criticism on its ability ; and now we shall see how they manage these things in Austria. Prussia threw down the glove,—we have seen her first blow, and now we shall see how prince Metternich parried it. He had nothing to do but to take his protection away from the Dissenters ; and so probably all he did was to send a short note to his friend prince Schwartzberg, archbishop of Salzburg, requesting him politely to pay some attention to the Dissenters in the Zillerthal. More was not wanted, and prince Metternich troubled himself not a moment more with the thing. And well he might do so. The priests of the Tyrol, who are very fanatical, precipitated themselves upon their prey, and the poor Dissenters were all thrown into prison.

So they act in enlightened and learned Prussia ; and when once they put people into prison they keep them there ; in Austria, that monster of despotism, they act otherwise. The law books of the country were hunted until they got hold of an old long-forgotten statute which served their purpose. With this statute they proceeded to the Dissenters, and told them, “ It is the law of the country, that all those who secede from the Catholic church lose their civil rights.” This implied a great deal. They were forbidden to make wills, to marry, to baptize, &c. ; and obliged to bury their dead, during dark nights, in the open field, followed by the beadle and a large dog. As soon as the Estates assembled, petitions came from all sides, requesting the deputies to turn the Dissenters as troublesome guests out of the country. The Estates drew up a petition, in which they embodied this wish, in strong terms, and sent it to prince Metternich. The deputies being nothing more than nominees of the emperor, this was prince Metternich petitioning prince Metternich. And so you think the request was immediately complied with ? Quite the contrary ; prince Metternich deprecated all violent proceedings, and prayed the authorities of the Tyrol to try the means of persuasion first, and to moderate their violence a little, however sacred the reasons from which it proceeded, and though he knew that what they did was quite conformable to the provisions of the law. In short, the vexations and hardships of the Dissenters began in 1832, and went on still increasing until last year ; and during all this while prince Metternich acted like a father



to them, always willing to protect them, but to his great affliction quite unable to do so. At last, when these men were almost driven to madness, he stepped in, and said very kindly to them: "You know what you owe to me; you have no better friend in this world than myself, though you ill repay my kindness by the erroneous opinions you have conceived in respect to your faith. You can easily imagine, from the hatred which you experience from your countrymen and from all Tyrol, to what difficulties and disagreeable reproaches my tenderness for you has exposed me; but now it is no longer in my power to do any thing more for you; go, therefore, to Transylvania—it is a fertile country, and there you may live happily enough with the Protestant Saxons, under the mild government of the emperor, who even protects his misguided children."

The Dissenters refused, and prayed for permission to go to Prussia. This fact alone would prove that Prussian intrigues were at the bottom; for the name of Prussia and its king is no more known in the valleys of the Tyrol than it is in Little Thibet. On the contrary, they are in active communication with the neighbouring Switzerland, to which, every spring, some thousands of them (principally masons) flock, to return in autumn. They sell knit carpets in Würtemberg, Baden and Bavaria. Why did they not go to one of these countries, which lay before their eyes, and almost within the reach of their feet? However this may be, prince Metternich immediately granted their request, and showed them still greater kindness, by excusing them from the payment of the heavy tax (*abzugs-richte*) which Austrian subjects must pay on leaving their homes in order to settle in foreign countries; by giving them money; and lastly, by offering them his friendly intercession with the king of Prussia, by way of recommending them to the good graces of their new sovereign.

And now consider a little what we have got here. The king of Prussia endeavours to establish, under the pretext of religion, a focus of political intrigues in Austria; and prince Metternich forces the conspirators to pray him to allow them to go to Prussia, and requests the king of Prussia to receive them in his states. The king of Prussia thus got on one day 340 children, who were all to be provided for out of his

own pocket. The request was granted, and prince Metternich could scarcely find words to express the obligation which the emperor had to the king of Prussia for having settled this affair to their mutual satisfaction. Prince Metternich, in his dealings with the Prussian court, is always polite,—and the smile of friendship never left his lips whilst he addressed the grave Methodist of Berlin. And what could the latter do? He was obliged to smile still more gracefully; for one moment's pouting, the slightest look of dissatisfaction, was the humiliating confession to a rival, "You have beaten me." So the king of Prussia gulped down the impious curse which his military profession had taught him, to exchange it for a most affectionate, "God bless you! and may the friendly relations which have always subsisted between the two powers subsist for ever."

If we merely view the question as one between prince Metternich and the peasants of the Zillerthal, the whole affair is as good an illustration as could be added to an edition of Shakespeare, in explanation of the fool's, "Whoop, Tug, I love thee." The poor fellows owed all their misfortunes to prince Metternich, and if they are not the most ungrateful creatures breathing on this earth, they must pray for him every day of their lives as their greatest benefactor! And what obligations will they feel for the king of Prussia? Why, if he overwhelms them with wealth, they may still say, "He only does his duty; for it was he who rendered us houseless and fugitives." And it is not at all certain that the king of Prussia will do his duty; for from the German papers of the last five or six months, we learn that most of these emigrants still linger at the town of Schmiedeberg without employment. The king, it is true, recommended them to the great landowners in Silesia, whom he requested to place them on their properties as farmers; but this the landowners refused, because the latter not having any money, were less secure than other people. This, indeed, is the only thing wanting to crown the whole; that the king, after having entailed misery upon 340 individuals, should at last abandon them to their misery and starvation. At all events, it is certain that the king would have done better to give them a check upon his own banker, instead of endeavouring to quarter them upon the

landholders of Silesia, who had done nothing to entice them into the scrape.

Was the stroke well parried? So well, that the assailant's blade was broken. The Tyrol is the stronghold of Austria, where an insurrection might prove dangerous to the very existence of the Austrian empire. The king of Prussia had succeeded in placing a garrison there, viz. the Dissenters of the Zillerthal. The whole garrison, to a man, were dislodged and sent back to the king. The fact sorely displeased the court of Berlin; and the official papers ill hid their smart under various declamations on the intolerance of Austria. The king was beaten, and, to complete the farce, he is to pay for it; for it does not seem that the great landowners of Silesia will honour the king's check drawn upon them.

Our task was to throw light upon confusion—it was one of criticism, of sifting and trying;—the rubbish being removed, our view is free; and we perceive now that the affair of the archbishop, from which we set out, ought to have been the second stage of our journey. The real starting-point was where we arrived at last, the affair of the peasants of the valley of the Ziller. The last affair is, besides, also anterior in date to that of the archbishop. In taking now the opposite direction, we shall meet with scarcely any rubs at all—our path is perfectly smooth and even.

The king of Prussia had provoked prince Metternich; it was he who hazarded the first blow—we have seen how it was repulsed. With this prince Metternich was not satisfied; the second scene followed, which was a close parody of Valentine's death in Faust—the king of Prussia acting the part of soldier Valentine, and prince Metternich that of his own friend Mephistophiles;\* and, as in Goethe's tragedy,

\* "*Mephistophiles*.—Out with your toasting iron, Doctor! Thrust away, and I will parry.

*Valentine*.—Parry that.

*Mephistophiles*.—Why not?

*Valentine*.—That too?

*Mephistophiles*.—To be sure.

*Valentine*.—I believe the devil is fighting. What is that? My hand is already powerless.

*Mephistophiles* to Faust.—Thrust home.

*Valentine* falls.

*Mephistophiles*.—The clown is tamed now."



it was not he who thrust,—he found his Faust in scores of other people.

The king of Prussia stood firm at first, and put the archbishop out of the way. His ministry at once shouted victory. The Westphalian nobility then sent a deputation, headed by a relation of prince Metternich, to Berlin, with a mission requesting the king to try the archbishop, and remonstrating against the arbitrariness with which one of their order, the archbishop, had been treated. The king showed himself less bold, and defended himself by retreating into his castle, and shutting the door in the face of his assailants. Then all the bishops and archbishops of the whole monarchy of Prussia rose, one after the other, and defied the Government, as the archbishop of Cologne had done. The five millions of his majesty's Catholic subjects sent detachments of bludgeon-men through the streets, vociferating and whooping; the assistance of dragoons became necessary. This was the position prince Metternich prepared for the king in his own dominions. But the war was carried on with no less vehemence beyond the frontiers; prince Metternich let loose the king of Bavaria; the whole of Bavaria was converted into one general camp, in which libels and curses on the king's authority were shouted, and a new Goliath went forth from among them, Goerres, and threw, at short intervals, five editions of his "*Athanasius*" into the hostile camp. Having no David at Berlin, they sent for Dr. Marheiniike, professor of divinity in the university. Of course Dr. Marheiniike wrote a pamphlet in refutation of "*Athanasius*?" Not a bit of it! he only described what a mighty man Goerres was, whom he called a second Luther, &c. And why this? The reverend Doctor found it advisable to explain why *he* could not beat the other—and these were the contents of the official pamphlet intended for a refutation.

The difficulties which prince Metternich raised up for the Prussian court went on increasing in strength and extent from day to day; and during all this while prince Metternich did not stir a finger or move a feature; there he sat calm and dispassionate like the statue of Jupiter Olympius,—in appearance not taking the least interest in the facts which he had sent forth amongst mankind. The Prussian cabinet, who

have not studied Greek in vain, resolved to offer up their prayers and hecatombs to the angered god,—and so they went in procession to Jupiter Olympius, saying: “The Bavarians rave like madmen; save us from Goerres and his band; remind the king of Bavaria of what he owes to another German prince; remind him of the family ties between us, and of his sister who married our crown prince; and of the bad example he sets to his subjects in allowing a crowned head to be vilified as has been that of our king; assuage the furor of the mighty king of Bavaria, than whom we have only three times more subjects and soldiers; and, above all, save us from the pope, lest he place our Protestant king and all his Protestant subjects under the interdict of his church, and reprint the Latin curses from the first volume of ‘*Tristram Shandy*.’” Jupiter Olympius then nodded, like the old commandant’s statue in *Don Giovanni*, and the farce was ended.

It is not the least amusing part of the story, that it was actually the victorious party that first ran away. There is no doubt that a large number of the German Catholics approved the king’s first steps against the archbishop, because they hoped they would end in the creation of an independent national church, and do away for ever with Ultramontism in Germany. What the secret feelings of these persons now are, our readers may infer from the following extracts from a letter written to us by the editor of a well-known German paper, which took the most decided part for the king of Prussia.

“February, 1838.

“After the year had begun with forebodings of a storm of religious and political dissensions, calculated to shake Germany to its foundation, to change its whole position with respect to foreign countries, and especially Italy; and connected with such vital questions for Germany, as to raise hopes of a better political futurity, and prepare the way for the final establishment of a national German church;—after the year had begun with such important discussions, all has now already returned into tranquillity and peace,—for lameness, pusillanimity, the want or confusion of political principles preferred an armistice in these questions to a decision in the spirit of a better past. Rome is still the prototype of absolutism, where the people is kept in awe with a double scourge, and within the limits of the *raison d’état*. The Romish see showed itself youthful, vigorous,—Germany, weak and powerless (*ohnmächtig*). Rome has thrown her interdicts and excommunication-bolts, and Prussia begs for peace. Prussia

is willing to appeal to the intelligent,—to answer the attacks of a furious popery-press, but it desires to have peace at home. If Prussia speaks, it is in foreign, that is not Prussian, papers. She even hides the dark intrigues of jesuitism, in order to compromise nobody. Shame to her cowardice! She nourished the enemy within her own bosom; proofs are the articles signed with two asterisks, and dated from the Middle Rhine (*Mittel Rhein*), in the Augsburg Gazette. It was the Prussian cabinet that first preached feudalism—that resolved to rebuild the gothic abbey of the middle ages, finely ornamented with the rudeness of club-law, and the thralldom of the masses. Enlightened professors received the theory, and hatched it out in school-books, preaching the dogma of feudalism, which has left undistinguishable traces in Westphalia; and at last they gave it a herald in the *Berliner Wochenblatt*. Through this paper they raised, in the midst of a Protestant capital, altars to Catholicism, Carlism and Absolutism together. On the other hand, Dr. Bunsen, a theologising diplomatist and a diplomatising theologue, roused the German Protestantism, by his endeavours to propagate the new Lutheranism of the Prussian cabinet. Everywhere he organized conventicles, even in Bavaria. The good peasants of the Zillerthal are the poor victims of the Protestant propaganda at Munich. This was a provocation on the part of Prussia,—and Prince Metternich has not been inactive."

This we have seen already; he was certainly not inactive. In this letter we have the other side of the question presented by a writer whose intentions are friendly to Prussia, and who proved these intentions by his valuable assistance when the strife was hottest. Popery, it cannot be denied, has a spirit, a historical spirit of a thousand years standing; and this spirit is not one favourable to enlightenment. The liberal Germans saw in the re-establishment of the Pope's authority in 1815 a retrograde movement, and desired to see the new intruder driven away as soon as possible, in order to make room for the old possessor, the Independent National Church, which subsisted until the fall of Napoleon. All these persons were averse to the new connexion with the Romish see, because Ultramontism, Bigotry and Ignorance were with them synonymous terms; and they sympathized with Prussia because they believed she was firmly decided to constrain within proper limits the rapidly advancing encroachments of the Church upon the state;—in one word, they believed Prussia was espousing the cause of enlightenment against Bigotry and Ultramontism. It is clear, therefore, that if the intentions of Prussia had been good, her task was easy; the Protestants of Germany necessarily could not be against her, and



the enlightened Catholics, whose numbers are great, were decidedly for her. It is equally evident that the resistance Prussia met with was of a noisy, but little substantial description. It was a kind of phantasmagoria raised by Prince Metternich, and fit to frighten—a schoolboy, but no sensible cabinet. Must there then not have been also other causes at work to explain the sudden crest-fallenness of the Prussian cabinet? We have given the most important cause just now. Prince Metternich could say to the king:—"You see the liberals applaud you, because they flatter themselves you are about to promote what they call enlightenment. Have you forgot the sleepless nights which the revolutionary spirit has caused us for these twenty-three years;—the pains we had in 1832 to muzzle our German Jacobins? Are you become one of them? Are you fallen so low as to deserve and seek for the applause of the enlightened,—of the liberals?"

Such a remonstrance fell upon the king with the strength of a thunderbolt. He was frightened out of his wits as soon as he was told he had done something liberal; and so down he fell before Prince Metternich, and said, "*pater, peccavi.*"

The enemy scarcely showed itself; the handful of peasants who harboured in the Rhenish towns were quickly dispersed, and Prussia was defeated without being beaten—running away from her own shadow—a most ignominious retreat, by which she lost her last friends in Germany,—who, like the writer of our letter, exclaimed, "Shame upon this cowardice!"

The Catholicism which the liberals of Germany dislike, nay hate, is not a religion; it is a political engine in the hands of Austria. The pope is an Austrian general, making conquests for his master in Germany. To understand the subject well, we have only to consider the relation in which Catholicism is placed with respect to Austria.

It requires no great clearness of vision to perceive that the power of Catholicism lies in the pope. Catholicism, as a religion, is what the Romish see, that is to say the pope, declares to be the religion of the church. If there were no pope, the belief of the church could only be founded upon that of a majority; and a majority consists of individual opinions counted to-

gether, and individual opinions are proscribed by the church; a majority, on the other hand, presupposes the possibility of a minority. The Catholic church permits only one opinion in matters of belief; he who adopts an opinion different from that of the Romish see, is, in the eyes of that church, a heretic, —an outlaw who no longer belongs to the church. Take away the pope, and you take away what essentially distinguishes the Catholic religion from Protestantism.

And what is the pope now? What is the pope, whose will was formerly blindly obeyed by the millions? The sovereign of a small state in Italy, in hourly fear of being driven away, and materially and morally abolished by the handful of his own subjects. Take away, we say, the pope, and you take away Catholicism; but we may also say, take away the Austrian soldiers from the Romagna, and the pope has ceased to exist. If Catholicism is still a political engine, it can only be one in the hands of Prince Metternich, in whose hands the pope is.

It is evident that the Austrian government has nothing to fear from Catholicism; for if the pope should pick a quarrel with the Austrian cabinet, similar to that he entered into with Prussia, the former would be sure to win the battle; its soldiers would not have to fight, but only to run away. Popery, as a real political engine, and not as a mere bugbear, is, therefore, only another word for the political influence of Austria; and where this influence is not, popery is a word without meaning.

But even if Austria had not the very body of the pope within her grasp, the church never could enter into a strife with her. The government of Austria, as all political power there, lies entirely in the aristocracy,—a numerous, wealthy and compact Catholic phalanx. The bishops and archbishops, and in fact all the dignitaries who lead the church, are taken from the aristocracy. The Catholic church is therefore just as likely to rebel against the political government of Austria as our own high-church against a tory ministry. The church in Austria cannot enter into any strife with the government, for the simple reason, that they are not two, but one and the same thing.

If we thought it necessary to show that Prussia, especially

since 1832, which year completely changed the political condition of Germany, has become another thing than she was—we think it by far more necessary to show that Austria in respect to church affairs is no longer what she was before the time of Joseph II. The history of Austria before this emperor is told in a few words. A poor count of Habsburg, meeting with a Catholic priest going to administer the sacrament to a sick man, gave his horse to the priest, and acted as his groom—and for this service was made emperor of Germany. This Rudolph was the founder of the present imperial House of Austria; and from him down to Joseph, every one of them, with only two exceptions, (Maximilian II. and Joseph I.) was the blind servant of the Catholic church. What the pope ordered, even were it to slaughter millions as in the thirty years' war, they all did it. They refused no kind of work, however dirty it might be. The servant, however, belonged to that very class of servants, whom Iago praises:—

“ Who, trimm'd in forms and visages of duty,  
Keep yet their hearts attending on themselves ;  
And, throwing but shows of service on their lords,  
Do well thrive by them ; and when they have lined their coats,  
Do themselves homage.”

The emperors of Austria did all the pope ordered them to do ; but if any profit accrued from the work, it was their constant principle to keep it all for themselves. So it happened that the serving-man grew fatter from day to day, while the master in proportion was wasted and enfeebled, until nothing was left but his shadow ; and then the moment arrived when it was to be practically and formally decided who was the lord, and who the man. The decision was duly entered upon under Maria Theresa, who drove away the Jesuits, until then the masters and the constant ministry of Austria ; and her successor Joseph II. brought the matter to a conclusion, by abolishing the monasteries, and bridling with an iron hand the high show of resistance from the Catholic clergy. If in former times the German emperors went to Rome to kiss the pope's slipper, the pope now thought it advisable to go to Vienna, and request the emperor to be a little milder. The visit did not avail him much ; the strife was decided—the emperor was the master and the church the



servant;—a kind master the latter got, but still a master. Joseph II., by the publication of an edict of toleration for all Christian confessions, closed for ever the career of Austria as regards religious persecution. The priest may be intolerant in words, but not in deeds: this would amount to a breach of the law. We have seen that the two questions which gave rise to the difference between the king of Prussia and the pope were the theory of Hermes and the mixed marriages: now, strange to say, what the pope obstinately refuses at Berlin, he meekly suffers at Vienna.

There is a Professor Günther in the latter town, who goes a great step beyond Hermes. The difference may be shortly stated thus: Hermes maintains that the Catholic creed is *not contrary* to the postulates of reason, and Günther says the creed is *conformable* to the postulates of reason. As to mixed marriages, in Austria the religion of the children is entirely at the choice of the parents; the priest can in no case refuse to be present at and sanctify the marriage; and if his conscience will not allow this, he can satisfy the demands of his conscience by giving up his income, for he loses his place at once.

The imperial family, to the present day, are the best Catholics imaginable. How is it that the church does not profit by that disposition? Because the emperor of Austria and the political government of Austria are two completely different things:—the emperor, like the Dairi of Japan, is a revered and sacred person; but the government, the Kubo, is the Aulic Council, presided over by Prince Metternich. If the emperor were the government, Prince Metternich would not be prime minister a single day, for the emperor not only dislikes but hates him, because he *believes* that he owes his present weak health to an attempt at poisoning him, of which the Prince was not altogether ignorant. More certain is the fact, that Prince Metternich repeatedly endeavoured to persuade the Emperor Francis to exclude the present emperor from the throne, and to bestow his crown upon the Archduke Francis Lewis.

But even supposing that the emperor exercised any great influence upon the government, the church would not derive much profit from it. Religion, with all the members of the

imperial family, is no matter of hypocrisy; they are sincere and good Catholics, and whenever their religious sentiments are not accompanied by natural talent and judgement, necessarily bigoted. The influence which the priests, who possess their confidence, may exercise upon the emperor, is therefore immense, when they address in the emperor the private individual; but if they approach him in his official quality, they must show deference and obedience like all the rest; because the emperor, in his official quality, knows only subjects and no superiors. A few instances will put their position in the true light.

The Archduke Charles, the celebrated general, was married to a Protestant princess; she died, and was to be buried in the imperial family-vault at the Capuchins. The Capuchins raised objections to bury a heretic within the precincts of their monastery, and sent a deputation to the Emperor Francis: he had scarcely listened to their first words, when he turned quickly round upon them, and said to them in the idiom of Vienna, "*Mochts mi nit wild or I hebs euch olls auf*;"—"Don't put me in a rage, or I'll abolish you altogether." In 1817, when the third jubilee anniversary of the reformation returned, the Emperor Francis not only allowed his Protestant subjects to celebrate it, but ordered that the day should be celebrated by all his subjects, without distinction of religion, as a general national festival devoted to toleration and to the commemoration of the edict by which Joseph II. secured that great blessing to all his Christian subjects: and thus, while the Protestant churches rung with the lofty anthem of Luther, "*Ain fester burg ist unser Gott*," the emperor's chaplain pronounced, in the emperor's own chapel, a sermon on the subject of Christian toleration before a Catholic auditory, amongst whom was the emperor himself. The present emperor, perhaps, is less enlightened than his father was; and the empress is undoubtedly greatly under the influence of the Ligurians, a kind of reformed Jesuits. Ziegler, bishop of Linz, a very bigoted and intolerant man, is a great favourite with both: yet the following fact happened about two years ago. The Protestants at Linz wished to build a church, and the bishop opposed them with all his might. The Protestants addressed a complaint to the civil governor

of Linz, Prince Kinski, who immediately ordered the bishop to desist from his opposition. The bishop then addressed himself to the emperor, who severely reprimanded him, and approved the conduct of Prince Kinski. The Protestants have their church.

The position of the Catholic church *vis à vis* of the government, cannot be stronger characterized than by the words of the Emperor Francis: "I'll abolish you." Joseph II. abolished and secularized most of the monasteries, Francis restored them; but the action of Joseph still subsists as a precedent; and if the church endeavours to play the master, it is simply told, "Remember what happened to you under Joseph;—if you show the least resistance to the government, you shall cease to exist."

The Catholic church, undoubtedly, is considered by government as one of the principal pillars of the state; but the priests must be satisfied to act as subjects—as prime functionaries, certainly, but still as subjects. The Catholic church is in no country more effectually under the restraint of government than in Austria; it is indeed a political engine which the rulers may employ as they think advisable. This essential point once settled, the use to which Prince Metternich puts the Catholic church in Germany will become easy to be understood.

The influence which the house of Austria exercised over Germany was completely annihilated by Frederic II. of Prussia: until that moment, it had always been used for the suppression of intellectual and political freedom. It was during this temporary emancipation from Austria that German literature made such rapid strides; that the country which, at the accession of Frederic (1740), had scarcely emerged from the barbarism which was entailed upon it by the devastations of the thirty years' war, was, at the moment of his death (1786), the equal of any other European nation in literature, arts, sciences, and general enlightenment. The progress was so rapid, so striking, that it even affected the stationary Austria, and decided Joseph II. to say also there, "Let there be light." The reign of Joseph, however, was too short; after him all progress was again stopped. But Germany, under Napoleon, shook off all connexion with Austria,



and still advanced, while Austria did not make a single step. A national Catholic church was organized under the direction of Prince Dalberg, as we have said before, one of the most enlightened men of his age; and, strange enough for a *Pope*, Grand Master of the order of the Illuminati, a secret society, who did honour to their name by the propagation of light amongst the people, and by forwarding public instruction to a very extensive degree\*.

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\* As the subject is little known here, and also connected with the state of religion in Germany during that period, we subjoin some details respecting the Illuminati. They originated from the Freemasons. The Freemasons, in the time of Frederic the Great, were insignificant, and Frederic, who belonged to the order, showed only indifference to them; at the end of his reign, and almost simultaneously with the abolition of the Jesuits (1773), the order rose into greater activity, but not into a very laudable one. The belief in magic and alchymy was propagated by secret societies, and the conversions to Catholicism multiplied in a strange degree. These endeavours, after the death of Frederic, found encouragement in his successor, Frederic William, (1786—1797,) who allowed himself to be entirely led by Bischoffswerther, who could raise ghosts, and put the king into constant communication not only with them, but more material subjects from the living female world. Amongst the many assistants he employed we need only mention one, who will give an idea of the others, Sigismund Oswald, who wrote several books (Analogy between Corporeal and Spiritual Births; Hours of Secret Intercourse with God, &c.) to reveal to the world what Jesus Christ, who often appeared to him during his solitary walks, had said to him on those occasions. Such was the class of men which entirely governed Prussia under Frederic William II. This baneful direction of the times inspired Schiller with the idea of his *Geisterseher*, which, in form of a novel, relates the conversion of a prince of Würtemberg by the Jesuits—and was counteracted in a more general manner by Goethe in his *Faust*, in which the magical and mystical propensities of the times were enrolled as soldiers to fight a battle between Kant's *Verstand* (intelligence—Mephistopheles) and *Vernunft* (reason—Faust). The generals whom Goethe thus employed ruined the army: in other words, Goethe seized his times by their diseased mysticism, and threw them over into the healthy field of speculation and philosophy, where the ghosts lost all body and soon vanished into an unsubstantial phantasmagoria, through which the light broke in full streams. The more special connexion between these propensities and the secret societies was exposed by Nicolai and Biester at Berlin; they openly accused the secret societies with being the seats of the mischief, and mere instruments in the hands of the Jesuits for the overthrow of Protestantism. The principal champions who came forth against them in favor of the secret societies, were, strange to say, the Jesuit Sailer, who is now an archbishop under the present king of Bavaria, and another Bavarian Catholic priest, Stattler of Munich. The fact itself allows of no doubt. How far Freemasonry was made a handle of by Jesuitism is not known; but that it seconded this baneful direction is beyond doubt; and even those who did not plainly accuse the Freemasons of Jesuitism, at least asserted the dangerous direction of Freemasonry at that period.

The accusation was acknowledged as not unfounded by the order itself, in as far as those of its members who really desired the propagation of light, seceded and went over to the Illuminati founded by Weisshaupt in Bavaria. The Illuminati exercised a most extensive and beneficial influence upon Germany, and their last grand-master was Prince Dalberg, the national pope of the German Catholic church during the time of Napoleon. A great many Catholic priests were Illuminati; and it was during this very period, that Catholic priests took the most conspicuous part in the spread and perfection of popular instruction; Brunner,

When, in 1815, the previously separated parts, Austria, Prussia, and the Rhenish Confederation, reunited in the present Germanic Confederation, the relative position of Austria to the rest was very disadvantageous. During nearly seventy-five years of uninterrupted progress, Germany had become an uncommonly enlightened country, while Austria was almost what it had been a hundred years back. The influence of the Pope was so completely gone in Germany, that the Catholic priests themselves saw much disadvantage in a new connexion with the Romish see. Both Austria and the Pope were very willing to reconquer their ancient supremacy,—but how to effect it? Political freedom, public discussion, the press, and all institutions promoting progress were gradually undermined; and the battle was finally decided in favour of Austria, by the ordinances of the Diet of 1832 and the following years. Since that moment we have, in the whole of Germany, the most complete reaction. In Austria there was nothing to stop, and therefore, from the very non-existence of reaction, Austria, at this moment, is the only country of the Germanic Confederation in which there is an appearance of progress. To stop any advance, to separate the princes from their subjects, and to rouse the latter against the first by bad government,—such was the policy Prince Metternich followed from the beginning, and which he has succeeded fully in establishing since 1832. And why has he done this? To reconquer Germany for the house of Austria, to re-establish the old German empire under the supremacy of Austria. The princes of Germany are now almost in the same predicament as the sovereign princes of Italy: some years more of reaction, and the emperor is the political master of Germany, and his country is at the head of German civilization;—for Prince Metternich shows now the same anxiety to forward progress and good government at home, as to thwart it in the German States. This may be said of Germany in general.

If we look to the single states, we must admit, that most of the princes were so weak in themselves, and placed at the head

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Schmidt, Werkmeister, Demeter, and many others, are instances. Amongst the Illuminati a new schism afterwards took place between those friendly to Napoleon and those hostile to him. On the ruins of Illuminatism the *Tugendbund* arose, whose principal aim was the overthrow of Napoleon.

of such small countries, that Austria might at once have established an uncontested political supremacy over them, by the mere weight of her material power, if there had not been two opposing elements in Germany—namely Prussia and Bavaria. These were comparatively strong states, and being equally jealous of their independence and sovereignty, it is clear that in case of any open attempt of Austria to place one smaller prince in a more apparent state of subjection, all the smaller princes would have found natural leaders in Bavaria and Prussia; they all had a common cause, viz. to protect their independence against the encroachments of Austria,—and the strife between Austria on one side, and the whole of Germany on the other, would scarcely have turned to the advantage of the former: Prussia and Bavaria, then, were the only obstacles Austria had to put out of the way, in order to gain the uncontested supremacy of Germany.

And it was precisely against these two important rivals, Bavaria and Prussia, that Austria sent the pope. Prince Metternich needed not to put on a frowning brow, which would have ill-beseemed the occasion; he smiled like the Tempter, when he presented the apple to our great-grandmother Eve, and said, “Take my boon and *eritis sicut deus*.” The good which they were to know he could easily make them understand. Times were bad—the princes, when they required assistance from their subjects against Napoleon, did not obtain it by an angry nod as heretofore, by stretching forth their arms in command, or by lifting their feet for a gentle kick: the king of Prussia had been obliged to fold his hands devoutly before his subjects, to pray them, nay to bribe them with an oral promise of a constitution, and to put his promise down in black and white upon the parchment of a royal edict, before His Majesty’s subjects would submit to have their necks and bones broken by the enemy of their king. This was already bad enough—but what followed was still worse; when the battle was over, all the warriors came home with red caps on their heads, and even the peaceful citizens who had stayed at home were so pleased with the sight, that they threw off their white woollen nightcaps and exchanged them for the new revived head-dress of Phrygia. Times were bad, as we have said; and so Prince Metternich told the kings of Prussia and Bavaria:



“ You see the mischief ; all comes from unbelief ; Voltaire  
“ and Rousseau propagated unbelief, and that revolution grew  
“ out of it which threatened to send us all to the right-about.  
“ There is unbelief in Germany ; the revolution peeps already  
“ out of it: therefore while it is still time, do not lose a moment;  
“ *prenez mon ours*, and re-install the pope in his ancient au-  
“ thority.”

These two once convinced, all the German princes agreed unanimously to sign *concordats* with the pope. The small princes met with no difficulties—the thing was quickly settled, and the pope to them proved the most obliging person imaginable. But as to Prussia and Bavaria, the pope raised difficulty after difficulty ; these, however, were first removed with respect to Bavaria, which concluded its concordat in 1817. We may, however, mention in what mode the proceedings were shortened. The king of Bavaria chose for his plenipotentiary a Catholic priest, who went to Rome, and when at Rome drew up the concordat according to the instructions of the pope. As he had been duly accredited as plenipotentiary, the treaty was binding upon his court ; the pope made the plenipotentiary a cardinal, and the king of Bavaria promulgated the concordat on the 28th of October.

Whatever may be the secret history of the Prussian concordat, it is a fact that the negotiations continued until the 16th of July 1821, when the pope published his bull, “ *De salute animarum* ;” it is a fact that this bull is the Prussian concordat ; and it is a fact, that no German prince received more unfavourable conditions from the pope than the king of Prussia. When promulgated (23d of August), it excited one cry of astonishment all over Germany ; for whatever was clear in the document conferred great prerogatives upon the Romish see ; and the greater part was couched in ambiguous terms, which allowed great latitude to subsequent pretensions. Thus Prussia and Bavaria, the principal rivals, had each her concordat, and both the most unfavourable of all those concluded with Germany. And what is the consequence ? The Prussian government, at this moment, is at daggers-drawn with all its Catholic subjects ; and the king of Bavaria has received permission to occupy a snug place of retirement somewhere in the *middle ages*, well ornamented with gothic

turrets and paintings, while the government of all the present time belongs to the church. The king of Bavaria is no longer the king of his own country—he has retained nothing but the mere title: the country is governed by priests, and the priests are the king and everything else in Bavaria.

Before explaining the change which has taken place, we beg leave to examine a little the germs which were perceptible at the beginning, and which determined the species of the plant which has grown out of them. There can be no doubt that both Bavaria and Prussia saw, in the new power introduced into the state, a political engine, which they hoped to make use of for the sake of restraining the liberal propensities of the times. But that in which they were mistaken was, that what they intended for an instrument and tool had a will of its own, and consequently was neither instrument nor tool. With respect to Austria, it is perfectly true that Catholicism is a political instrument. But why? Because the pope is a mere functionary acting under the Austrian Government, whom the cabinet can restrain and deprive at pleasure.

The case was very different with respect to Prussia and Bavaria; there the Catholic church was to become an independent establishment, and all that constituted its independence was so much taken away from the power of the political sovereign. The king of Bavaria made no resistance: he established monasteries peopled by monks, whom the Austrians sent into his country; and the great beauty he saw in the venerable beards of his Capuchins, and in the ornaments of gothic churches, so engrossed his attention, that he quite overlooked who, in the mean time, sat down upon his throne. The king of Bavaria is no longer a king, but merely a paid pensionary of the Catholic church; and Austria, at this moment, has no more faithful ally and friend than the government of Bavaria.

The king of Prussia, on the contrary, endeavoured to resist the growing influence of his new rival, and to destroy the *imperium in imperio*; and he has been forced to the retreat we have described above. The influence of Prussia over Germany is gone. As long as the Prussian cabinet marched at the head of learning and scientific enlightenment, Prussia had the

supremacy of Germany, without intrigues. They turned upon enlightenment and betook themselves to intrigues—and they were beaten, because in that branch of science Prince Metternich is greatly their superior. The Prussian court is aware that they have now to tremble before Austria, or how else could we explain the crouching courtship they pay to Russia? the emperor of Russia was received like a Saviour in Berlin during his late visit. Do they believe they may by subjection to Russia avoid subjection to Austria? But to whom else could the king appeal? To his subjects? They would say, “You have not kept the promise under which “you engaged us to fight for you against Napoleon; you “shall not cheat us a second time.” To Germany? They would say, “You have assisted Austria in quashing all our “public freedom; if there is oppression, we prefer to be oppressed by our old imperial house and to form at least one “country, than to suffer the Russians, whom you through “your intrigues have introduced into Germany, any longer “amongst us. Austria has raised a national banner—and “against foreigners: we are decided to be Germans, if we “cannot be freemen.”

We have explained in how far and from what reason Catholicism or Popery is synonymous with political thralldom in Germany; it is not Catholicism as a religion, but the Catholicism which represents Austrian influence in Germany. The encouragement of this description of Catholicism only forms one part of the system by which Austria endeavours to revive the old German empire, and to enforce the rights which the emperors of Austria claim, by long possession, upon the possession of the supremacy of Germany. The Diet, the Catholic church, and all the other auxiliaries which Austria previously introduced into Germany, act no longer separately; the different *corps d'armée* have united, and their common banner is, “The Old German Empire.”

As things are now, we must rather sympathize with Austria. The success of the present policy of Prussia could only prepare for Germany a lot similar to that of Poland—dissensions in the interior, and at last a partition of the country itself; while the fully established supremacy of Austria would



at least exclude Russian influence from the continent, and oppose to the encroaching spirit of that ambitious cabinet the strong barrier of a compact, well-united German empire.

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## ARTICLE III.

*The Pentameron and Pentalogia.* London, 1837.

WE have so recently brought Mr. Landor's writings and literary character before our readers, that the making them the subject of a second notice, however brief, requires some explanation. Whether this remarkable man abuses his strength in violent and capricious enmities, or wastes it upon paradoxes, whatever comes from his pen betrays, with lesser or greater degrees of obscuration, the artist, and brings with it or suggests, either in the way of assent or opposition, instructive and frequently profound truths in politics, morals and criticism. In the volume before us, there is something of each of these; but what has especially moved us to give a short account of the *Pentameron* is, that it illustrates, as it were empirically, a leading quality or defect of the author's mind, and confirms us in the opinions we formerly expressed of his peculiar strength and weakness.

It must be evident to those who have read the *Imaginary Conversations*, not merely as an amusing book, but as the production of a powerful though irregular intellect, that Mr. Landor's entire sympathies are with the ancient rather than with the modern world, in philosophy, politics and literature: for although he fully and frequently does homage to the surpassing majesty of his own countrymen in invention and imagination, and in his last work avows his conviction that England "has produced four men so pre-eminently great, that no name, modern or ancient, can stand very near the lowest; these are, Shakspeare, Bacon, Milton, and Newton;"—still, notwithstanding, it is easy to gather from his prejudices and from his deliberate judgements, from the bent of his imagination and

the direction of his understanding and taste, that his temperament is ethnic, and that he imperfectly apprehends and goes along with the current feelings and the moral constitution of the Christian world. Let us not be misunderstood,—we are as far from thinking as from saying that Mr. Landor is not a Christian; or that he has ever directly and intentionally supported or insinuated the doctrines and the sentiments of a sceptical philosophy; but we infer from the general tenor of his writings, and from the natural track and orbit of his speculations in art, ethics and politics, that he is “more an antique Roman” than a poet or philosopher of the nineteenth century; that Homer and Aristotle, Ovid and Cicero, are his divines, in spite of the commendations he bestows upon Hooker and Barrow; and that the native impulse and bias of his intellect is, in argumentation, towards the palpable, the practical, the orderly, rather than to questions of higher intellectual “pith and moment;” and in poetry, towards the exact proportions and clearness of form, the characteristics of ethnic art, more than to the pathos and personal reflectiveness of modern. Perhaps this is most apparent in his political sentiments. Mr. Landor believes himself to be, and is frequently represented as, an uncompromising democrat; whereas he is an aristocratic republican of the antique cast, not more impatient of kings and pontifical supremacy than of popular rule and predominance in its present sense. His comments on history show little predilection for the many, and less faith in their perfectibility; while they point out, and in a manner *underline*, the individual greatness of the few in action and intellect. If anywhere Mr. Landor is a leveller, it is in his projects or his dreams for a primitive constitution of the church. We are not sure whether on this subject he is in earnest or ironical; but if he is serious, “*venturum expectat*.”

In some of his former publications, Plato was the cynosure of Mr. Landor's dislikes; and the philosopher who has exhausted the admiration and taxed the powers of the most subtle thinkers in every age is represented in the Imaginary Conversations as an inexact reasoner, inconsistent in his doctrines, and luxuriant and rank in his diction. In the *Pentameron*, Dante, though upon the whole less an object of distaste, being saved from rough treatment, not, as in the *Inferno*,

by getting upon Virgil's back, but by the transcendent beauty of particular passages of his Vision,—is equally misapprehended in the connexion, the transitions, and the scope of his immortal work. And the origin of misconception and the grounds of dislike we believe to be in both cases the same;—namely, that acute and comprehensive as Mr. Landor's intellect unquestionably is, and nurtured and instructed with

“ ..... soul-sustaining songs of ancient lore,  
And philosophic wisdom, clear and mild,”

it is nevertheless potent within a certain circle only; it flags and falls whenever the idea of the infinite, whether as a postulate in philosophy or as a fact in theology, is presented to it, or it has come within the circuit and attraction of such minds as the Florentine's and the Athenian philosopher's.

Before we bring forward any proofs of this somewhat perverse tendency of Mr. Landor's mind to materialise and mete out, according to an insufficient standard, studies and speculations that necessarily at either extremity touch upon infinity, we will present our readers with a brief outline of the scheme and contents of the *Pentameron*, and show them how it comes to pass that the merits of “*il gran padre Alighieri*” are made the subject of discourse, and in what manner the record of it came to be rendered into English.

It appears then, from the “Editor's introduction,” that a bell being wanted for his church at San Vivaldo, the Prete Domenico Grigi, the Piévano, came not long since to England to solicit aid from the faithful towards the purchase of one. He was moved thereto by a rumour that his holy religion was rapidly gaining ground in this country, partly owing, as he discovered—at least so we infer from certain expressions in the Piévano's postscript—to the rapacity of our bishops, in making over to their families the possessions of the episcopacy; and partly to certain Sabbatarians, with whom the bishops were in league, to proscribe country air and roast meat to the poor on Sundays. The importance of the Piévano's mission is increased by the circumstance “that no new bell whatever had been consecrated in the diocese of Samminiato since the year of our Lord 1611; in which year, on the first Sunday of August, a thunder-bolt fell into the belfry of the



Duomo, owing to the negligence of Canonico Malatesta; who, according to history, in his hurry to dine with Conte Geronimo Bardi, at San Vivaldo, omitted a word in the mass."

Subsidiary to his purpose of making collection for his bell, the Piévano brought with him, and caused to be translated by the best hand he could afford to engage, "certain interviews of Messer Francesco Petrarca and Messer Giovanni Boccacio," which the booksellers told him should be entitled 'The Pentameron', unless he would return with nothing in his pocket. The discourse held at these interviews, which, as the name imports, lasted for five days, is a lengthened "imaginary conversation" accompanied with divers pleasant digressions and descriptions. It was held "when said Messer Giovanni lay infirm at his Villetta hard by Certaldo", and it shows how he and Messer Francesco "discoursed upon that famous theologian Messer Dante Alighieri and sundry other matters." After which meeting "they saw not each other on our side of Paradise".

It is well known that, several years before his death—much earlier than Mr. Landor, if indeed he cared about the matter, has placed it—Boccacio, in a sudden fit of remorse, resolved to abandon poetry and profane literature, and, if possible, to suppress his Decameron, and to commit whatever copies he could procure to the flames. Mr. Landor's supposition that he intended to make a holocaust of the Decameron is singular, since, as himself makes Boccacio say, in reference to the copies of the *Inferno*, "What effect could be produced by burning a book which had circulated rapidly throughout Italy, in manuscript and orally, immediately on its publication?" Fortunately, however, Petrarca was consulted; and his advice was, that Giovanni should read his books as usual, mend his morals, and by no means burn his Tales. This salutary counsel was really given in a long letter; but for the occasions of the Pentameron, Petrarca comes in person to "his friend's *Villetta* hard by Certaldo," having travelled thither over mountain-roads, flooded with rain, in haste and alarm, lest Boccacio shall have acted upon the resolution he had announced. Such is the prelude to the 'Interviews.'

Very early in the first day's conversation Petrarca utters the somewhat startling opinion, that "less than a twentieth

of the *Divina Commedia* is good,"—and immediately afterwards adds, that "at least sixteen parts in twenty of the *Inferno* and *Purgatorio* are detestable, both in poetry and in principle;"—he admits, indeed, in the same sentence, "the higher parts" to be "excellent indeed." But a poet with so great an admixture of baser alloy with even the purest and most precious metal, must surely owe to prescription or to accident, rather than to his merits, his received station as the prince and patriarch of his national literature; and the question arises, how he came by it at all? We might attribute such an opinion to Petrarca's supposed jealousy of Dante; but this Mr. Landor denies to have ever existed; and indeed, historically, it does not rest on a good foundation. We suspect, however, that Petrarca, or rather his present mover and mouthpiece, the author of the *Pentameron*, has not considered with sufficient accuracy the *Divina Commedia* in reference to its position in the scale of imaginative and initiatory works, the time of its composition, the life and education of its author, and its different effects upon contemporaries and posterity. We shall therefore endeavour to point out as concisely as possible a prevailing error in judging the great work of Alighieri,—premising only that our remarks will apply to it as a whole, and not directly to any separate parts or passages, whether excellent or faulty, of his tripartite Vision.

Most of the prevailing misconceptions of the *Divina Commedia* arise from its being classed with an order of poems to which it does not belong. Dante is compared, for sublimity, to Æschylus and Milton, whereas, as Mr. Coleridge has observed, "profoundness rather than sublimity" is the characteristic of Dante's genius; "he does not so much elevate your thoughts as send them down deeper." For intensity of expression, and a certain passionate earnestness of sentiment, he is likened to Lucretius; and relatively to his initiatory station in literature, to Homer. With the latter he has the fewest points in common; the only ground of comparison between them being the simplicity and natural freshness of the similes, and the absence of idiosyncrasy and particular feelings whenever the poet suspends the action of his poem to introduce an image from nature or from social life. In all other respects the mythology and machinery of

the Homeric poems are not more remote from the demons and the *bolge* of the Inferno than the genius of the Ghibelline from that of the Ionian poet. Perhaps Lucretius is the nearest parallel to Dante. But were it necessary to find in the ethnic literature of Italy a type or prefiguration of Dante, we must go back to an earlier age, when the language of Rome was rhythmical and resonant, and not the worse for a certain nodosity in its texture. Later than Ennius, had a *Divina Commedia* been possible in Pagandom, neither the state of the language, nor the bent and process of national cultivation, nor the predominance of Greek models, would have allowed it to exist.

That in Christian literature Dante stands alone, is evident; but wherefore and wherein he is unapproachable, or at least has not been approached, is less obvious. If lofty and sustained thought, intense passion, scholastic erudition, and a perfect mastery, not merely of the resources and the most difficult evolutions, but also of the elements and *primordia* of language, are taken as his characteristics—and justly and peculiarly they are so—these will not account for the singular structure of his great poem. Something further must be sought, so as, if we may be allowed the expression, to *differentiate* him from other minds of kindred energy and loftiness. In its totality the *Divina Commedia* is strictly neither ethnic nor Gothic, nor, though it partakes of them, is it made up, like the poetry of Petrarca, of Platonic and chivalric sentiment. The sublime and the loathsome, the beautiful and the horrible, are not only placed side by side in these visions of Perdition and Penance, but intimately blended and densely crowded together. We cannot, in surveying the plan of Dante's poem, sift and detach the graceful and the happy from that which is distorted, ugly and miserable. Remove the singular unity he has given to his pictures, and the result is an uncontrollable chaos. What then is the law of combination? where the compass and the line and the measuring rod of his work?

The unity of the Epopeia is the final obedience of all events within the period of its action to the wisdom or the valour of the hero, who, again, is but the "chosen vessel" and instrument for working out some end or determination—the *Διόε*



βουλή—of the heavenly powers. The unity of the *Divina Commedia*, on the other hand, is, relatively to its author and hero of the 'Vision,' not an outward but a subjective one. The events of the poem bear *upon* the author, whose purification and recovery from worldly error and sin, and whose confirmation in a more holy and intellectual life are the object of the vision, and the pleasure of the "spirits in bliss" who commission Beatrice and Virgil to work out his deliverance. The events themselves however are unchangeable until the final judgement of the souls,

"Quando di Josaphat qui torneranno  
Coi corpi, che lassù hanno lasciati."

The dramatic action in Dante centres therefore in himself; Virgil, Beatrice, and St. Bernard being but the symbols and representative forms of the successions of his feelings and the course of his purification. In so far the *Divina Commedia* resembles the ancient Tragedy rather than the Epopeia, in its hero being the instrument of a will hidden from and governing his own consciousness. For in an epic poem the hero is made instrumental to his own glory; but in the drama of fate, as the Greek drama has been justly denominated, the chief actors are blindly and inevitably working out long predestined effects, and fulfilling ancestral prophecies.

The dramatic character of the *Commedia*, again, is diminished and taken off by the absolute passiveness of Dante to the will and instructions of his guides; his individual will being suspended and in abeyance throughout his *extramundane* journey.

Some years since, any one who should have ascribed to the Pilgrim's Progress higher commendations than that of being a vigorous and whimsical book, would have been set down as either ironical or perverse. Cowper was hardy enough to praise, but not sufficiently so to mention Bunyan, "lest so despised a name should move a sneer." But this sickliness of taste in instructed readers is happily passed away; and they who have access to the choicest treasures of literature are the first to admit the surpassing invention and fancy of the author of the Progress, The Holy War, and The Life and Death of Mr. Badman. Mr. D'Israeli calls Bunyan

"the Spenser of the people;" but, as it seems to us, there is in this comparison an important difference overlooked. No one forgets the allegories in Spenser, or enters into them with a personal sense of interest or participation. They are exceedingly beautiful, like the finest tapestry, or a series of pictures in compartments, but the pleasure they give is purely a contemplative one; whereas Bunyan strikes us with the force of his convictions and the reality of his visions. We walk with flesh and blood, in spite of the bald and significant names of our allegorical companions; and our senses, even more than our fancy, are employed in following Christian from the 'City of Destruction' to the Gate of the Celestial City. We should rather call Bunyan 'the Dante of the people.' That both composed a 'Vision,' and employed *extramundane* objects and beings, is not to the purpose; the resemblance between them lies in the activity and the energy of the plastic imagination in each; in making credible, present, and tangible, as it were, their own creations; and mixing and underpropping them by means of those dread realities which the ideas of death and an untried existence hereafter implant in the hearts of all men with a force of conviction that supersedes and transcends experience. Dante and Bunyan, dissimilar in their characters and fortunes, and unequal in knowledge and in genius, have yet so much in common in their several qualities of intellect, as to render the 'Bedford Tinker' nearer akin than either Æschylus or Milton to the descendant of Cacciaguida.

If we are right in ascribing profoundness rather than sublimity, and pictorial power rather than ideal beauty, to the *Divina Commedia* as a whole, most if not all of Mr. Landon's objections to particular sections and passages will fall to the ground, and the efforts of some ardent admirers of Dante to justify him, at any cost of argument and consistency, will have been unnecessary. Let us for a moment attempt to transport our readers in spirit to an Italian city in the thirteenth century, and the unlikelihood of a work sublime and ethereal in its character and proportions being produced at such a time, and by an important actor in such scenes, will be apparent; while the fitness and probability of a poem singular and apart from all known models in its form, vast and

multitudinous in its compass and contents, pairing opposites and displaying contrasts, while over its rugged and turbulent surface there moved a constant and majestic spirit of harmonious diction, will at the same time be made evident.

“The north of Italy,” we borrow Mr. Coleridge’s words, “in Dante’s time, was in a state of intense democratical partisanship, in which an exaggerated importance was attached to individuals, and which, while it afforded a vast field for the intellect, opened also a boundless arena for the passions, and in which envy, jealousy, hatred, and other malignant feelings, could and did assume the form of patriotism, even to the individual’s own conscience.”—*Literary Remains*, Vol. i. 158.

Florence, throughout the fourteenth century, in common with the principal states of northern Italy, was engaged in a continual struggle of parties to establish a popular constitution; but unfortunately for each faction, it perverted a real desire for liberty and equal laws by the determination that no hands but those of its own partisans should be entrusted with the custody and administration of them. To this perpetual cause of dissension were added the hatred borne by the feudal nobility—a party, however, that daily grew weaker—to the commercial aristocracy and gentry (*i popolani grassi*), and again the jealousy with which the sudden rise and the fluctuating fortunes of the mercantile class were regarded by the lower order of free citizens (*la plebe*). It is incorrect to attribute the disorders of this æra principally to zeal for the church or the empire; the Guelph and the Ghibelline parties were but accidental links in the long series of jealousies, envyings, and hatreds, that partook of the deeper and steadier hue of “*fraterna odia*.” Hence men like Dante and his great enemy Corso Donati, with intentions really honest, and with clear and provident views, when baffled and misrepresented, threatened and reviled, held it no longer “mere stuff o’ the conscience” to abstain from indulgence of their most violent passions; and transferred to their political opponents the sentiments which criminals and traitors of the worst stamp should alone provoke, and then only in behalf and redress of the outraged principle of law. On these grounds, and on no other, are some of the dooms in the *Inferno* intelligible; for that these punishments are in any considerable proportion allegorical, we quite disallow. To the common feeling



of partisanship must be added, in Dante's case, a life not so much chequered with sorrow as blotted and overwritten with woe. Æschylus went into banishment because he could not endure a rival. Milton, though fallen on evil days and evil tongues, had yet beheld his country greater and more glorious in itself and in the eyes of other nations than at any former period. But after the middle term of his life, before which the composure and dignity of manhood have not extricated themselves from the turbulent dominion of the passions, Dante wandered hopelessly from city to city, from one protector to another, making more enemies by his reserve and by his plainness of speech, than friends and admirers by his genius, his erudition, and his wide reputation. The passions and the events he had so deeply taken part in, in the leisure and uninterrupted meditations of his exile, burnt in, not upon his memory only, but his imagination as well; and it required all the masculine severity of his temperament and education not to have stopped with the *Inferno*, but to discern rather in the future such gleams of hope as strengthened and elated him in the milder shades of Purgatory, and the meridian brightness of Paradise.

We maintain therefore that Mr. Landor, in trying the *Divina Commedia* by a scale taken from master-works composed under other circumstances and with different ends, has misapprehended the character of Dante; and that he has been led into the misconception by overlooking the peculiar nature of the scholastic education of which Dante was so striking an exemplar, even in an age when, in Italy at least, the study of the schoolmen was in its acmè. Between the metaphysical subtilties of Aquinas and Peter Lombard and the fanciful and far-fetched mystery of the Provençal poets there was no very distant affinity. One mind might enter deeply into both crafts; but it was reserved for the father of modern poetry to neutralise the excessive or the hurtful qualities of each; to ingraft them with character, with incident, and with the real workings of passion; and to create or to call up from the deeps of national being a language, at once competent to express the most subtle problems of the understanding, and fresh, vigorous, and compliant enough to embody and guide the full stream of imagination—once again unincumbered with

the weeds of corruption and the ruins of time, and welling up beneath the morning of a new age.

An error of an opposite kind is, that Dante "considered the *Inferno* and *Purgatorio* as a string of *satires*, part in narrative and part in action." Had he so intended them, the beginning of the fourteenth century would have afforded another Lucilius in severity and power; for the parts of the *Divina Commedia* in which he has given the reins to spleen or indignation were accompanied with reclamation and dismay in those who suffered by them as much as the invectives of the Roman knight:

"Ense velut stricto quoties Lucilius ardens  
Infremuit, rubet auditor, cui frigida mens est  
Criminibus, tacita sudant præcordia culpa.  
Inde iræ et lacrymæ."

But though satire, national as well as personal, enters into the various texture of the great 'Vision,' especially whenever the state of Florence is addressed, the proportion it bears to the entire poem is not greater than may be found in other less celebrated works of the thirteenth century. The Provençal writers were full of the "*nigri succus loliginis*"; and, not to go farther about, the Decameron, a work composed with the intent that "le donne, che queste leggeranno, parimente *diletto* delle sol-lazzevoli cose in quelle (novelle) mostrate, ed *utile consiglio* potranno pigliare," abounds with anecdotes of people either alive or so recently deceased, that their heirs, if they did not relish the joke, must have been keenly sensible of the ridicule. It would seem that personal satire is less offensive to the Italians than to any other people, or, at least, that the zest it yields is such as to blunt and rebate the edges and the point of personality. Their patience or insensibility resembles the Roman indifference to affronts, which among a Christian people would lead to the death of half a nation; and may be accounted for from the circumstance that Italy imbibed fewer Gothic feelings, and retained more ethnic habits than any other European people—that although there was much romance, there was little chivalry at any time south of the Alps. The satire that is found in the *Commedia* has more the sound of the scourge and fetters than of the whip; yet it was probably as much a cause of the rapid popularity

of the poem, as the earnest commendations of Boccacio. It was no light consolation to the numerous *fuorisciti* of the cities of Italy to be assured—and the faith commonly given to the maledictions of Alighieri is warranted by the well-known story of the ladies at Verona—that those who had banished them were expected or were already established in hell; and no ordinary pleasure to the rival cities, to be told that their natural enemies, that is to say their nearest neighbours, were a parcel of knaves, fools and swindlers. From such adherences a popular poem in the fourteenth century could hardly be exempt, any more than the *Æneid* from an occasional fair speech to the Julian house. But, considering the vast and varied ground of the ‘Vision’, there is not enough of either national or individual satire to render it likely that Dante intended to compose a succession of invectives.

We could find farther cause of complaint at the treatment the great Tuscan has received from one so able in a better mood, or after more consideration, to comprehend him acutely and to describe him befittingly, but we have no pleasure in merely noting the vulnerable points of a book that, notwithstanding, has much that is graceful in conception and sound in observation to recommend it. We believe that Mr. Landor misapprehends the character and the poem of Dante, just as he has elsewhere misconceived the philosophy of Plato. We doubt whether Petrarca, if tried on the whole count of his poetry and his doctrines in an ‘imaginary conversation,’ would fare much better. Boccacio would escape more easily: his many virtues in another way would make up for that ineradicable taint of superstition which, in Mr. Landor’s estimation, affects so many distinguished literary men, though in other matters shrewd and sensible enough.—The few remarks we can afford to make upon the *Pentameron* shall be rather directed to its merits; and in most cases it will be found that the parts which do not directly treat of Dante, but arise incidentally in the conversation, are the best worth pointing out.

Ovid is an established favourite with Mr. Landor. He puts into Boccacio’s mouth somewhat extravagant praise, when he is made to say, “I do not think Ovid the best poet that ever lived, but I think he wrote the most of good poetry,



“and in proportion to its quantity, the least of bad or in-  
“different.” Our own experience would lead us to invert  
this sentence, and to say that, considering how much tedious  
and vapid verse Ovid wrote, it is marvellous he should have  
produced some so very good. But it is to be borne in mind,  
that in his early life pleasure, and, after his exile, anxiety and  
fruitless expectation left him in evil condition for planning  
or completing any great work. We have only the rough  
draft of his best poem. Petrarca is (p. 127) on the verge of  
a startling comparison. “Ovid,” he says, “although unlike  
“Homer, is greatly more like him than Virgil is; for there  
“is the same facility, and apparently the same negligence in  
“both.” We have some doubts whether Petrarca, who, like  
Alighieri, revered the Mantuan bard as his master and his  
guide, would have said quite so much in favour of the Citizen  
of Sulmo. In the *Trionfo della Fama*, Virgil walks hand in  
hand with him that sang

“ . . . . . gli errori e le fatiche  
Del figliuol di Laerte e della Diva,  
Primo pittor delle memorie antiche.”

and immediately afterwards he calls Cicero and Virgil the  
“eyes of our speech.”

“Questi son gli occhi della lingua nostra.”

Whereas in the *Trionfo d'Amore*, Ovid is placed without  
any peculiar mark of distinction beyond being one of the  
“compagni d'alto ingegno” who attend upon “Virgilio”. The  
following observation, however, is both original and correct :

“Of all the ancient Romans Ovid had the finest imagination : he like-  
wise had the truest tact in judging the poetry of his contemporaries and  
predecessors. Compare his estimate with Quintilian's of the same  
writers, and this will strike you forcibly. He was the only one of his  
countrymen who could justly appreciate the labours of Lucretius.

‘Carmina sublimis tunc sunt peritura Lucreti  
Exitio terras quum dabit una dies.’

And the kindness with which he rests on all the others, shows a benignity  
of disposition which is often lamentably deficient in authors who write  
tenderly upon imaginary occasions.”

Boccaccio is a little hypercritical upon Horace's verses,

“obliquo laborat  
Lympha fugax trepidare rivo,”—

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which are meant to mark the sinuous and reactive flow of a river between curved and winding banks. But Messer Francesco observes very pertinently, at p. 236,

"I doubt Horace's felicity in the choice of words, being quite unable to discover it, and finding more evidences of the contrary than in any contemporary or preceding poet; but I do not doubt his infelicity in his *transpositions* of them, in which certainly he is more remarkable than whatsoever writer of antiquity."

The favourite of courtiers, philosophers, and annotators, Horace, like Pope, was one of the prime corrupters of his native language. But the Roman sinned with more excuse, since the path in composition he had chosen was beset with difficulties almost insurmountable, being no less than an attempt to transfer to the rhythmical and forensic idiom of Rome "the linked sweetness" and burning words of Greek lyrical poetry: hence, amid bursts of genuine feeling or of pungent wit, his inversions, his dilations, his flatness, and his triteness. Yet we believe F. Schlegel is correct in saying that naturally Horace had a much deeper and more generous vein of poetry in him than Virgil; and that had he not strayed early into a wrong path, he might have produced a great national poem. He could trifle and mourn gracefully when not too closely tied down to a pattern; but he is best in his political odes, wherein the metre alone is Greek, but the persons and the illustrations have a Roman stateliness and amplitude. He could turn a fine alcaic stanza out of an official despatch.

Messer Francesco is sometimes indiscreet in his fault-finding, and Messer Giovanni as unwary in his assent, since both, with better models before them than were within Alighieri's reach, fall repeatedly into the same vice in mythology. At page 96 Petrarca says,

"Alighieri not only throws together the most opposite and distant characters, but even makes Jupiter and our Saviour the same person:

"E se lecito m'è, o sommo Giove  
Che fosti in terra per noi crocifisso."

Yet he allows himself (S. 208, part i.) the expression "O vivo Giove;" and (S. 210, xvi.) he denominates the state of the blest in heaven, "regno degli Dei." But Boccaccio's rejoinder is, in reference to his own practice, yet more ill-advised:

"Jesus Christ ought no more to be called Jupiter than Jupiter ought to be called Jesus Christ."

Let us turn to the opening of the argument of *Filocopo*. The story begins at Rome; but in what age would be no easy question to answer. Jupiter, Juno, Pluto and Vulcan are introduced; and presently Rome is called the city wherein reigns the successor of Cephass! The Pope is Juno's vicerent. She despatches Iris to him, then pays him a visit in person, and brings her own message. A married couple, after five years' cohabitation not having children, undertake a pilgrimage to the temple of the God worshipped in Iberia, who proves to be no less a saint than St. Iago of Galicia, &c. &c., and on setting out on their journey this pious pair offer their petitions "al Sommo Giove."

Dante is reprehended for "a slip of Italian between two pales of Latin;—

'Modicum, et non videbitis me;  
Et iterum, sorelle mie dilette,  
Modicum, et vos videbitis me.'"—Page 11.

But had Messer Giovanni been in earnest in wishing to "catch Alighieri on the hip," he would have reminded his audience of a 'Canzone' more ingenious than felicitous in its structure, in which the verses of each strophe are alternately in the Provençal, Latin, and Italian Idioms. It opens thus,

"Ahi faulx ris perque trai have  
Oculos meos, et quid tibi feci  
Che fatto m'hai così spietata fraude?"\*

Nor was it mindful in Boccaccio to make such an objection, when he must have known in the seventh 'Canzone' of Petrarca, the lines,

"Non gravi al mio signor perch'io'l ripreghi  
Di dir libero un dì tra l'erba e i fiori:  
*Drez et raison es qui eu ciant emdemori.*"

\* The motive for this cerberean mode of composition is told in the *Envoi*—

"Canzos, vos pogues ir per tot le mon;  
Namque locutus sum in lingua trina  
Ut gracies mea spina  
Si saccia per lo mondo, ogn'huomo il senta.  
Forse pietà n'havrà chi mi tormenta."



Alighieri inserts a line from the Vulgate, and Petrarca one from Arnould Daniel; but the offence against pure composition is the same in either case. "Questa Moda," says a recent commentator upon the *Canzoniere*, "d'innestar ne' componimenti versi d'altre lingue, *la Dio mercè*, è caduta affatto."

Alfieri has told us that he once undertook to note every verse in the *Divina Commedia*, remarkable for harmony, or expression, or for the thought. This extract amounted to two hundred pages of a quarto volume in his minute handwriting, and proceeded no farther than the nineteenth Canto of *Paradiso*. Messer Giovanni and his friend must have been less watchful or more nice, if they paused at such verses as Mr. Landor delights in extracting, without considering that he is repeating the sophist's blunder, and bringing a brick as the sample of a house. Exhibit singly and broken off the grinning heads, and the crushed backs, and the water-spouts, and the griffins of a cathedral, and then triumphantly ask for the sublimity of the whole: such is Mr. Landor's method with the doctrines of the Platonic dialogues, and with the images of Dante.

The following passage we give as a specimen of graceful composition, not unworthy to stand beside some of the descriptions in the *Decameron*; our doubts as to its propriety shall be annexed. Boccaccio is the speaker.

"I may write more lectures, but never shall deliver them in person, as the first. Probably, so near as I am to Florence, and so dear as Florence hath always been to me, I shall see that city no more. The last time I saw it, I only passed through. Four years ago, you remember, I lost my friend Acciaïoli. Early in the summer of the preceding, his kindness had induced him to invite me again to Naples, and I undertook a journey to the place where my life had been too happy. There are many who pay dearly for sunshine early in the season; many, for pleasure in the prime of life. After one day lost in idleness at Naples, if intense and incessant thoughts (however fruitless) may be called so, I proceeded by water to Toronto, and thence over the mountains to Amalfi. Here, amidst whatever is most beautiful and most wonderful in scenery, I found the Seniscalco. His palace, his gardens, his terraces, his woods, abstracted his mind entirely from the solitudes of state; and I was gratified at finding in the absolute ruler of a kingdom, the absolute master of his time. Rare felicity, and he enjoyed it the more after the toils of business and the intricacies of policy. His reception of me was most cordial. He showed me his long avenues of oranges and citrons; he helped me to mount the

banks of slippery short herbage, whence we could look down on their dark masses, and their broad irregular belts, gemmed with golden fruits and sparkling flowers. We stood high above them, but not above their fragrance, and sometimes we wished the breeze to bring us it, and sometimes to carry part of it away; and the breeze came and went as if obedient to our volition. Another day he conducted me farther from the palace, and showed me, with greater pride than I had ever seen in him before, the pale-green olives, on little smooth plants, the first year of their bearing. 'I will teach my people here,' said he, 'to make as delicate oil as any of our Tuscans.' We had feasts among the caverns; we had dances by day under the shade of the mulberries, by night under the lamps of the arcade; we had music on the shore and on the water.

"When next I stood before him, it was afar from these. Torches flamed through the pine-forest of the Certosa; priests and monks led the procession; the sound of the brook alone filled up the intervals of the dirge; and other plumes than the dancers' waved round what was Acciaïoli."

Beautifully recorded as it is, and artfully as its gracefulness is heightened by the solemnity of the close, this reminiscence is hardly consistent with our accounts of Boccaccio's life: since, however distance might have softened and death effaced his resentment, he could scarcely have forgotten the treatment he had met with on a former sojourn with the Seniscalco. Nor was he likely to have repeated a visit where he had been subjected to the insolence of menials and parasites, and to the ostentatious favours of a patron. Boccaccio returned indeed to Naples, and met with an honourable and cordial welcome from the most distinguished members of Joanna's court; but he rejected many tempting offers to remain there, both from the nobles and the sovereign, because, says Ginguéné, following Baldelli, "il avait toujours présent "à la mémoire ce qu'il avait souffert dans le palais du grand "sénescal."

We subjoin the following aphorisms for the benefit of youthful poets and critics—especially for such of the former as break up and anticipate their imaginative resources in the prodigal composition of sonnets:—

"We may write little things well, and accumulate one upon another; but never will any be justly called a great poet unless he has treated a great subject worthily. He may be the poet of the lover and of the idler, he may be the poet of green fields or gay society; but whoever is this can be no more. A throne is not built of birds'-nests, nor do a thousand reeds make a trumpet."

“ There are poets among us who mistake in themselves the freckles of the hay-fever for beauty-spots . . . . . If they wish to be healthy and vigorous let them open their bosoms to the breezes of Sunium . . . . . Above all, they must remember two admonitions ; first, that sweet things hurt digestion ; secondly, that great sails are ill adapted to small vessels. What is there lovely in poetry unless there be moderation and composure ? Are they not better than the hot uncontrollable harlotry of a flaunting disheveled enthusiasm ? Whoever has the power of creating, has likewise the inferior power of keeping his creation in order. The best poets are the most impressive, because their steps are regular ; for without regularity there is neither strength nor state. Look at Sophocles, look at Eschylus, look at Homer.”

Mr. Landor is more judicious than Mr. Coleridge’s school-master, who taught his pupils, on the score of diction only, to give Catullus as a poet the preference to Virgil. Boccaccio has just remarked, that “ in the *scazon* are composed the two most beautiful and most perfect poems of the language ; the *Miser Catulle* and the *Sirmio*.” To which Petrarca rejoins,

“ ‘ This is likewise my opinion of those two little golden images, which however are insufficient to raise Catullus on an equality with Virgil ; nor would twenty such. Amplitude of dimensions is requisite to constitute the greatness of a poet, beside his symmetry of form and his richness of decoration. ’ ”

Our last extract shall be Messer Giovanni’s narration of a dream he had just before Petrarca’s visit ; it seems to us worth all his lectures on Dante.

“ What I am about to mention, will show you how little you can rely on me ! I have preserved the books as you desired, but quite contrary to my resolution ; and, no less contrary to it, by your desire, I shall now preserve the Decameron. In vain had I determined not only to mend in future, but to correct the past ; in vain had I prayed most fervently for grace to accomplish it, with a final aspiration to Fiammetta that she would unite with your beloved Laura, and that, gentle and beatified spirits as they are, they would breathe together their purer prayers on mine. See what follows \* \* \* \* \*

“ I prayed ; and my breast, after some few tears, grew calmer. Yet sleep did not ensue until the break of morning, when the dropping of soft rain on the leaves of the fig-tree at the window, and the chirping of a little bird, to tell another there was shelter under them, brought me repose and slumber. Scarcely had I closed my eyes, if indeed time can be reckoned any more in sleep than in heaven, when my Fiammetta seemed to have led me into the meadow \* \* \* \* \*

‘ Thy prayers have been heard, O Giovanni,’ said she.



" I sprang to embrace her.

" ' Do not spill the water ! Ah ! you have spilt a part of it.'

" I then observed in her hand a crystal vase. A few drops were sparkling on the sides, and running down the rim ; a few were trickling from the vase and from the hand that held it:

" ' I must go down to the brook,' said she, ' and fill it again as it was filled before.'

" What a moment of agony was this to me ! Could I be certain how long might be her absence ? She went : I was following : she made a sign for me to turn back : I disobeyed her only an instant : yet my sense of disobedience, increasing my feebleness and confusion, made me lose sight of her. In the next moment she was again at my side, with the cup quite full. I stood motionless : I feared my breath might shake the water over. I looked in her face for her commands . . and to see it . . to see it so calm, so beneficent, so beautiful. I was forgetting what I had prayed for, when she lowered her head, tasted of the cup, and gave it me. I drank, and suddenly sprang forth before me, many groves and palaces and gardens, and their statues and their avenues, and their labyrinths of alaternus and bay, and alcoves of citron, and watchful loopholes in the retirements of impenetrable pomegranate. Farther off, just below where the fountain slipt away from its marble hall and guardian gods, arose, from their beds of moss and drosera and darkest grass, the sisterhood of oleanders, fond of tantalizing with their bosomed flowers and their moist and pouting blossoms the little shy rivulet, and of covering its face with all the colours of the dawn. My dream expanded and moved forward. I trod again the dust of Posilipo, soft as the feathers in the wings of sleep : I emerged on Baia ; I crossed her innumerable arches ; I loitered in the breezy sunshine of her mole ; I trusted the faithful seclusion of her caverns, the keepers of so many secrets ; I reposed on the buoyancy of her tepid sea. Then Naples, and her theatres and her churches, and grottoes and dells, and forts and promontories, rushed forward in confusion, now among soft whispers, now among sweetest sounds, and subsided, and sank, and disappeared. Yet a memory seemed to come fresh from every one ; each had time enough for its tale, for its pleasure, for its reflection, for its pang. As I mounted with silent steps the narrow staircase of the old palace, how distinctly did I feel against the palm of my hand the coldness of that smooth stonework, and the greater of the cramps of iron in it !

" ' Ah me ! is this forgetting ?' cried I, anxiously, to Fiammetta.

" ' We must recall these scenes before us,' she replied : ' such is the punishment of them. Let us hope and believe that the apparition, and the compunction which must follow it, will be accepted as the full penalty, and that both will pass away almost together.'

" I feared to lose anything attendant on her presence ; I feared to approach her forehead with my lips : I feared to touch the lily on its long wavy leaf in her hair, which filled my whole heart with fragrance. Venerating, adoring, I bowed my head at last to kiss her snow-white robe, and trembled at my presumption. And yet the effulgence of her countenance

vivified while it chastened me. I loved her . . I must not say *more* than ever . . *better* than ever : it was Fiammetta who had inhabited the skies. As my hand opened towards hers,

“ ‘Beware!’ said she, faintly smiling; ‘beware, Giovanni! take only the crystal: take it, and drink again.’

“ ‘Must all be then forgotten?’ said I, sorrowfully.

“ ‘Remember your prayer, and mine, Giovanni! shall both have been granted . . O how much worse than in vain?’

“ ‘I drank instantly; I drank largely. How cool my bosom grew! how could it grow so cool before her? But it was not to remain in its quiescence; its trials were not yet over. I will not, Francesco! no, I may not commemorate the incidents she related to me, nor which of us said, ‘I blush for having loved *first*’; nor which of us replied, ‘say *least*, say *least*, and blush again.’

“ ‘The charm of the words, (for I felt not the encumbrance of the body nor the acuteness of the spirit) seemed to possess me wholly. Although the water gave me strength and comfort, and somewhat of celestial pleasure, many tears fell around the border of the vase as she held it up before me, exhorting me to take courage, and inviting me with more than exhortation to accomplish my deliverance. She came nearer more tenderly, more earnestly: she held the dewy globe with both hands, leaning forward, and sighed and shook her head, drooping at my pusillanimity. It was only when a ringlet had touched the rim, and perhaps the water, (for a sunbeam on the surface could never have given it such a golden hue,) that I took courage, clasped it, and exhausted it. Sweet as was the water, sweet as was the serenity it gave me . . alas! that also which it moved away from me was sweet!

“ ‘This time you can trust me alone,’ said she, and parted my hair, and kissed my brow. Again she went toward the brook: again my agitation, my weakness, my doubt came over me; nor could I see her while she raised the water, nor knew I whence she drew it. When she returned, she was close to me at once: she smiled: her smile pierced me to the bones: it seemed an angel’s. She sprinkled the pure water on me; she looked most fondly; she took my hand; she suffered me to press hers to my bosom; but, whether by design I cannot tell, she let fall a few drops of the chilly element between.

“ ‘And now, O my beloved!’ said she, ‘we have consigned to the bosom of God our earthly joys and sorrows. The joys cannot return, let not the sorrows. These alone would trouble my repose among the blessed.’

“ ‘Trouble thy repose! Fiammetta! give me the chalice!’ cried I, ‘not a drop will I leave in it, not a drop!’

“ ‘Take it!’ said that soft voice. ‘O now, most dear Giovanni! I knew thou hast strength enough; and there is but little . . at the bottom lies our first kiss.’

“ ‘Mine! didst thou say, beloved one? and is that left thee still?’

“ ‘*Mine*,’ said she, pensively; and, as she abased her head, the broad

leaf of the lily hid her brow and her eyes; the light of heaven shone through the flower.

" 'O Fiammetta! Fiammetta!' cried I in agony, 'God is the God of mercy, God is the God of love . . . can I, can I ever?' I struck the chalice against my head, unmindful that I held it; the water covered my face and my feet. I started up, not yet awake, and I heard the name of Fiammetta in the curtains."

With this we close the Pentameron, with the conviction that whatsoever Mr. Landor does well he does excellently, and that in his proper and peculiar path he is second to no living writer. But there is a circle into which he cannot penetrate, and Plato and Dante are among its inmates. His conceptions of their rank and their intellectual character are mere idols and *μορμολύκεια* of his own fancy. Of the second portion of the volume, "the Pentalogia, or Five Dramatic Scenes," we have said nothing. In the Dedication to Dr. Southey a whimsical reason is given for never writing more than a scene or two of the same drama—"it is too short a hold for the rabble to seize and pull at." Knowing Mr. Landor's opinion of critics and their craft, we will not even touch a hem of his dramatic garment. Many can strike out a scene who cannot compose a drama; and we may return to the Pentalogia in some future notice of recent dramatic literature.

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#### ARTICLE IV.

- The Commercial and Manufacturing Progress of Belgium.*  
*Belgische Zustaende*; von W. A. ARENDT, Professor und  
Erstern Bibliothecar an der Universitaet zu Loewen.  
Mainz, bei Florian Kupferberg. 1837.
- State of Affairs in Belgium*; by W. A. ARENDT, Pro-  
fessor, and First Librarian to the University of Louvain.  
Mayence, Florian Kupferberg. 1837.

A CLEVER and partly successful move of the king of Holland, in the great game which he has been for eight years playing, has lately brought the Dutch and Belgian question again



into life. This royal adept in diplomatic chicanery has long seen with envy and uncharitableness the growing prosperity of Belgium, in the *statu quo* which his obstinacy forced on her, as well as the manifest discontent of his own people under heavy burthens, inflicted for the preservation of his dynastic pretensions alone. At once to check the prosperity and soothe the discontent required a master stroke ; and he made it, succeeding at least in the latter half of his object. Announcing suddenly, in the early part of this year, to the great powers composing the Conference of London, his readiness to accept the proposed treaty of peace, known by the name of the Twenty-four Articles, which ever since 1831 he had repeatedly protested against and refused to sign, he certainly took Europe—in the broad and vulgar acceptance of the term—by surprise. The people everywhere, and probably none more so than the Dutch themselves, gave credit to King William for a sincere though tardy desire to put an end to an order of things which was becoming intolerable to the nation he ruled over ; but not one of the statesmen who knew the character of this king, not one of those conversant with the tortuous complications of his policy, was for a moment deceived. Many, and we were ourselves of the number, were convinced that the whole proceeding was a *ruse*. It is our opinion that King William will *never* of his free will sign a definitive treaty, acknowledging the independence of the people he has over and over stigmatised as rebels, or send an ambassador to the court of the sovereign whom he has proclaimed to be an usurper. This great work of reconciliation with Europe, for the long-continued state of suspense in which Holland has kept it, must in all probability be performed by the next king—or possibly the next stadtholder—of that country. Had the present prince of Orange held during the last few years the station which, in the course of nature, must ere long be his—trusting to the course of circumstances for the title which it may be coupled with—we are convinced that the Twenty-four Articles, or some equivalent treaty, had been signed before this time : the prince's good feeling, a quality which often leads to better and wiser results, even in politics, than great talents, would never have suffered the continuance of a *statu quo* which has

only led to the impoverishment of the country he will preside over by inheritance, and to the rapid consolidation of that which he has lost, through obsequious obedience to his father's faults.

It is certain that this threatened acceptance of the twenty-four articles produced a considerable stir in those portions of the provinces of Luxembourg and Limburg which, by the conditions of the treaty, were to be ceded to Holland, had Holland, within any reasonable time, given its assent to the entire stipulations of the act. The 350,000 inhabitants involved in the question, who have for eight years not only considered themselves Belgians, but established themselves as such by numerous ties of nationality which it would be difficult to disentangle, were naturally driven to demonstrations of opinion without which their feelings and wishes would have been unknown to the rest of the world ; and strong expressions of sympathy were consequently elicited from the rest of the Belgian people and their king. But we consider the solution of this question to be so remote, that we shall enter on the subject of our present article without any reference to it beyond this one observation ; that, although the construction of the proposed treaty of the Twenty-four Articles was at the time it was drawn up most obvious, the lapse of years has rendered it most complicated. King William has changed a clear point of law into a doubtful equity question ; and instead of the prompt decision of a jury he must now abide the tardy decree of a court of appeal. But in fact he neither expected nor wished for anything else. With *the liquidation of the sinking fund* staring him in the face, as the first necessary consequence of a definitive treaty with Belgium, he will be the last man in Europe to hurry on the settlement. But apart from the considerations arising from this newly-started question, no nation in Europe possesses, at this moment, stronger claims than Belgium to general notice and universal approbation. Only two years have elapsed since we presented to our readers a rough but accurate view of its social organization\* ; yet we feel now called upon, in justice to the merits

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\* See British and Foreign Review, No. V.

of both king and people, to recur to the subject, and to offer some additional and strongly corroborative proofs of the steady march towards national prosperity to which we then bore witness.

Bacon has wisely observed, that "there is not any thing amongst civil affairs more subject to error than the right valuation and true judgement concerning the power and forces of a state." It is not by their extent or their population alone that countries are of importance in the great political scale. Fortuitous circumstances may make a principality "of a small dimension of stem" more dangerous than an empire. Belgium, never until now more than a province, was lately a striking illustration of that truth. The perils she escaped and the example she presents are at once a warning and an encouragement to the minor states; while for the great ones, the history of her seven years' peace forms a picture well worth studying. It proves the identity between individual justice and general expediency. The concession of Belgian rights has been the guarantee for European safety; and let criticism or satire say what they may, the authors of the "Protocols" may be well satisfied with the result of their voluminous interference.

We shall not revert to the grounds we have on a former occasion gone over; there is ample matter before us of novelty and interest both, hitherto untouched on and not easily exhausted. It is true, we can no longer look to the Netherlands, except with a retrospective glance, for daring deeds or "moving accidents"; but among all the political phenomena of the present eventful century, we hold none to be more thoroughly striking and instructive than the prompt transition from turbulence to tranquillity, the perfect process from chaos to creation, exemplified by the Belgium of 1830 and the Belgium of 1838.

This country, as picturesque in its history as in its topographical details, the scene of so many grand encounters, the heretofore arena of gladiatorial Europe, has altogether changed its factitious character, to assume, for the first time, that which was meant for it, by the true nature of its position in the great scheme of continental civilization. Independent, neutral, and organized, Belgium has, with inconceivable rapidity,



taken its place among the nations ; and every year brings forth some development of unobtrusive power, which insensibly tends to its consolidation. The revolution of 1830, and the events which followed on it so closely, produced a state of things altogether forced and exceptional. The present situation of affairs forms the natural state of Belgium. In describing it now we have a work of comparative ease. The distortions of its false position, so baffling to the eye and hand, have given place to a steady posture and composed demeanour, which make its portraiture at once a feasible and pleasing task.

There is no argument like Time, the universal apologist, for combating the false notions of the world, either as to individuals or nations. Many of those in relation to Belgium and the Belgians, springing from the heats of party, like vapours generated by a sultry atmosphere, have altogether disappeared, or risen into canopying clouds, to give more forcible consistence to the scene below them, when shone on by the sun of truth. This figure is no flourish. The calumnies against Belgium, so rife in Europe during her great struggle into freedom, have of late produced abounding moral refractions that fling varied accidents of light on her real aspect. Thus the erroneous opinions as to her bigotry and her republicanism have brought out into stronger relief the toleration which marks her attachment to institutions of a bounded monarchy ; while the many thousand travellers who traverse the country in summer excursions, and the settlers who have chosen it for a home, have their attention attracted to its state of universal industry, which might have passed unnoticed but for the wide-spread fables of its manufacturing and commercial ruin.

There are still two twin-born and flagrant, but not unnatural, fallacies afloat, relative to the political situation of Belgium. She is thought to be insecure, because not recognised as independent by the king of Holland ; and considered as in a state of war, because a treaty of peace has not yet been signed between her king and that obstinate but deeply-calculating monarch. A little reflection and a short reference or two to history would set these errors at rest.

Every one can understand that an armistice for an indefinite

term is tantamount to a treaty of peace, when the interests of the parties are mutually involved in its maintenance. The violation of the one is as feasible as of the other. And where either is guaranteed by third parties, the danger to the offending power is as great from a breach of the temporary as of the permanent engagement. Holland learned this lesson to her cost, when her treacherous invasion of Belgium in 1831 was followed by universal opprobrium, and the violent wrenching from her grasp of the citadel of Antwerp by a French army.

It will be remembered, that the twelve years' truce, concluded by Spain and Belgium with the United Provinces in the year 1609, had all the advantages of a regular treaty of peace to the country now under consideration, and then under the administration of the archdukes Albert and Isabella\*, which, for wisdom and moderation, has a complete parallel in the government of Leopold in our own days. And, further, it will be recollected, that although the independence of Holland was not recognised by Spain till the peace of Westphalia (or, more correctly speaking, till the preliminary treaty of Munster), in the year 1648, yet for a period of eighty years (as Belgium has now done for eight) the republic had maintained all the rights of an independent nation; making alliances, receiving embassies, and exercising in their strict integrity the privileges won by its own valour and conceded by the European powers, despite the dogged obstinacy of the state whose yoke it had thrown off.

Is Belgian independence, then, in any way deteriorated by Dutch denials of acknowledgement? No more than that of France was by the presumptuous absurdity of the kings of England, in proclaiming their sovereignty of the country for centuries after they had ceased to possess a single inch of its territory. Until put in hazard by the recurrence of a general war, if such a frightful calamity is again to fall on the world, the king of the Belgians is as secure on his throne, and the country he so wisely reigns over as firm in its national

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\* Such was the title, without distinction of sex, of Albert, son of the Emperor Maximilian, and Isabella his wife, daughter of Philip II. of Spain, joint Governors-General of the Belgian provinces.

identity, as are any of the sovereigns or any of the empires of Europe. Belgium has good reason to rest contented with the *statu quo*, which the obstinacy of her enemy, the interference of the great powers, and her own forbearance, have secured to her. With many advantages—the free navigation of the Scheldt, the non-payment of the interest of the national debt, and others unnecessary to enumerate—there is not one evil attached to it. The only apparent one, the maintenance of a disproportioned war-establishment in a time of virtual peace, is, if duly examined, by no means such. The money raised in taxes for the pay of the troops is all expended in the country, fertilizing the sources from which it flows; additional stimulus is given to many branches of industry connected with the supply of such a force, whether in camps or garrisons; and, above all things, the population is, by the short term of service required from each recruit, gradually trained to arms, and taught the means of resistance to foreign invasion, without injury to the character most appropriate to

“ A bold peasantry, their country's pride.”

Even in a point of view of reciprocal benefit to the rival nations, this maintenance of a disproportioned military force is not unimportant. While the graziers of Holland furnish large supplies of cattle across the (nominally) hostile frontier, for the consumption of the Belgian army, the manufacturers of Liege have their forges kept in increased activity, providing weapons for the Dutch levies, not one of which, in all probability, will ever be discharged against a Belgian conscript. For several years past a brisk and productive trade has been carried on between Antwerp and Rotterdam, in neutral ships and by roundabout directions. The whole of the Dutch colonies are chiefly supplied with their staple article of clothing from the cotton mills of Ghent. The state of imagined warfare between Belgium and Holland is, in fact, about as real as were the paper blockades—those ridiculous and untangible fictions of imperial France. If, in short, for the gratification of Dutch national pride, or King William's sordid selfishness, it be advisable to *diplomatically* consider the two countries as belligerent because they are separate,



be it so. To the rest of Europe it is matter of indifference; to Belgium, as might be easily proved to a more ample extent than we have thought necessary, it is matter of positive advantage.

So evident is this peaceable condition of the country, that every one who has had the least practical acquaintance with it will admit, that in a political sense, strictly speaking, it possesses no immediate interest for general observers. There has been for some considerable time past—and, in great good will towards Belgium, we exclaim, long may there be!—a total cessation of the excitement which followed the revolutionary crisis. The last embers of the fire seem to be quite extinct. The whole surface of society presents proofs that those volcanic outbursts are no more to be dreaded. The lava has completely cooled, and is now covered by a rich soil of spontaneous and prosperous fertility.

Leaving the figurative in style for the positive in fact, we may point out, as the most palpable evidence of this subdued spirit, that all the men who made themselves remarkable in the early days of the new kingdom, as political orators or agitators, are now to be found in situations of comparative tranquillity—we might almost say obscurity. Surlet de Chokier, the regent, has altogether retired into private life. De Potter is a forgotten absentee. Lebeau, Charles Rogier, and De Mulnaere, have subsided into civil governors of provinces. Tielmans holds an almost sinecure judicial situation. Van de Weyer, Le Hon, and Goblet, are in the quiet enjoyment of their embassies. Nothomb, from the active management of foreign affairs, is now immersed in the ministerial direction of the public works, unheard and unseen on the political stage. And so with the others more or less distinguished.

It is now clear, that any man wishing to maintain his influence in the country must adapt himself to its prominent necessities, and serve, as may be said, an apprenticeship to at least the principles of trade. Great parliamentary or diplomatic talents would be at present utterly thrown away in Belgium. A Talleyrand or a Metternich would be a useless phenomenon there. The remarkable dearth of political genius in the nation seems negatively to point out the real nature of the national interests. Revolutionized countries have

rarely, if ever, failed to bring forth the particular kind of men required to work out their salvation. It seems a dispensation of Providence, which tempers the talents of individuals to the wants of the state.

The lulling of the popular tempest which so long swept through the inferior classes of Belgian talent, is not less remarkable than this change in the leading men. The bold defenders of the barricades, who gained their grades of general or colonel *per saltum*, such as Mellinet, Neillon, Vandermeere, Borremans, and others, are no longer heard of; but are left to the honours of their titles and half-pay, without being exposed to a display of insufficiency in commands for which they were not qualified by previous discipline or experience. The boisterous—but perhaps in other days not unwholesome—diatribes of Gendebien and Dumortier are hushed. Angry parliamentary discussions no longer shock the public taste, or lead to personal encounters in the *Bois de la Cambre*. The ferocious hostility of the journals no more forces the reader to throw them aside in disgust. Gross slanders on the domestic life of the sovereign are not now printed. Faction has died a natural death in its very stronghold. M. Minne-Barth, so long the guiding spirit of the Ghent Orangists, has given up his absurd hostility to government, and has been appointed to the office of burgomaster of his native town, and professor in its university. The frequent journeys of King Leopold to France and England are now universally understood as being undertaken, not merely as pleasure trips or idle excursions, but mainly for the purpose of furthering the interests of the country, at those courts where his sagacity gives him a still greater influence than do the ties of consanguinity or marriage. And when it is remembered that all this happy combination has been produced by the simple action of good government on national good sense, that not a life has been forfeited for political offences, nor more than one solitary prosecution attempted of a press unboundedly free, it will, we think, be admitted that Belgium well merits the eulogy with which we started, and the attention which we trust we have bespoken for the details we shall presently have to offer.

England has been for several years kept well informed on  
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the true state of this most interesting country, by means of elaborate works and clever pamphlets, through the pages of our own and other reviews, and the columns of the most widely circulating newspapers. Many original and outrageous calumnies having been silenced in the first instance, vapid slanders at second-hand have little chance of doing mischief now. Those puny missiles, of which we have lately remarked the occasional appearance, fly wide of the broad target of kingly worth and national security; the clumsy marksman is the only person injured; the recoil is far more dangerous than the discharge; and Belgium is, at any rate, now armed in proof.

France might be supposed, from local position, similarity of language, and antecedent connexions, to be better acquainted than any other country with the dispositions and desires of so close a neighbour; but the reverse is decidedly the case. The strong feeling of national disappointment, on finding that the Belgian people at large never entertained a wish to be reannexed to France\*, has produced a violent reaction to their prejudice in the latter nation, evinced by a contemptuous jealousy and insulting disparagement, which have found vent in repeated newspaper articles from the pens of smart but illiberal writers. This angry feeling has been much augmented by two causes, more just than that which we have pointed out; viz. the ungrateful and absurd hostility so widely displayed in Belgium against the French officers who entered her service after the rout of her raw levies by the Dutch army at Louvain; and by the grievous injury done to the literary and bookselling interests of France, from the system of rapid reprinting in Brussels, at most reduced prices, of all the popular works which issue from the Paris press: and that, in some instances, with proceedings of unfair dealing which it would require a strong epithet indeed to qualify as it deserves. Much, however, might be said on this subject, *pro* and *con*; and, in a broad sense, the practice so complained of may be justified as a common right; or, at all events, considered as a means of partial retaliation, for the

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\* For the excellent reasons which influenced Belgium in this disinclination, see *British and Foreign Review*, No. V.



narrow spirit of monopoly which withholds French co-operation in the establishment of those liberal commercial relations called for by enlightened principles of trade, and towards which but small progress has been made by France, in those trifling modifications of her tariff which we so lately pointed out. It may be, altogether, taken as a fact, that even the errors and ignorance as to Belgian affairs so long prevalent, and only now beginning to be dissipated, in this country, are as nothing compared to those wilfully propagated and received in France to this very day.

But it was among the extensive populations of the different countries of Germany—in Austria, Prussia, and the whole of the states of the Confederation—above all the other parts of Europe, that, long after the events of the Belgian revolution had settled down into matters of historical record, they were misconceived and misunderstood, to a degree almost beyond belief. Among the manifold causes for this ignorance was, first, the general want of sympathy with Belgium on the part of the German people; next, the unwearied efforts of the various courts, through the instrumentality of a shackled and servile press, to give the most unfavourable and often the most unfair character to Belgian concerns. The main object of those falsifiers of what was good, and exaggerators of what was objectionable, in the revolutionized countries, was to represent France and Belgium as completely identified with each other in hostility to all that was sacred or legitimate in government and legislation. Anarchists, pillagers, cut-throats, were the common epithets of their vocabulary, applied to a people who, except in one or two wild instances, showed a wonderful forbearance in dealing with their political foes. The light was, in fact, completely shut out from Germany for three or four years; and it was at length by translations, in one or two of the less illiberal journals, of the political correspondence from Belgium, published in the English newspapers, at that epoch the most powerful medium for the dissemination of liberal truths, that the millions of the German states received a just notion of Belgian tranquillity, steadiness, and prosperity. But the progress of this spread of information was of course slow, and much thwarted by counteracting statements from Dutch sources. Desultory attempts

have been made, from time to time, by means of paragraphs and pamphlets, to aid in disabusing the people of Germany, who have not been insensible to the widely disseminated accounts of Belgian advancement in all the means of social improvement. To follow up the favourable impression thus made on his countrymen, has been the motive which urged Professor Arendt to the publication of his brief but very valuable work; and it is well calculated, from its dispassionate and generally sober tone, to accomplish that object with considerable effect. The author, after some prefatory observations in explanation of his motives, and a disclaimer of any political considerations, thus proceeds to develop the causes of German indifference to the Belgian revolution in its early stages; and we give this passage (in translation) because the feelings it explains so clearly were shared by a large party in England some years back.

"In the first place, the state of excitement into which the affairs of Germany itself were thrown, after the Revolution of July, and the more important questions debated in England and France, engrossed almost entirely the public attention; added to which, the late events in Spain became a question of powerful interest. These causes, to which might be added others of no less importance, naturally threw Belgian affairs into the back-ground. But not only did the neighbour country remain unknown—it was calumniated, and the most false views of its affairs were propagated, often from ignorance, but more than once by design. It appeared to be the object to exhibit all that occurred in Belgium in such colours, that the greater part of the German public, and particularly all those who supported moderate reform without violent changes, necessarily withdrew their interest from a country, where, according to a large portion of the press, disorder was the order of the day, and where the subversion of existing forms threatened nothing but anarchy and a dissolution of all the bonds of society. The Belgian people are in a state of fever, was the general cry at that period, and all intercourse with them must be avoided as with a diseased person. The uncertain wavering between extremes, the state of excitement, ready to overflow into excesses of every kind, all the melancholy events by which property and stability were more endangered by the citizen than by the enemy in open war, tended to uphold and to propagate those views as the only correct ones. The efforts of a few moderate men, who had preserved their clear judgement through the storm, against the excited and dazzled multitude, were overlooked or misconstrued; and so it happened, that for the two first years after the revolution, Belgian affairs offered in Germany a surface as troubled for the present as it appeared dangerous for the future.

"To all this must be added, that at that period there was plenty of

effervescing matter among ourselves, which threatened an overflow. It was necessary to avoid every thing conducive to a closer connexion with a country so near to us, which could so easily have spread the conflagration, and blown into a bright flame the sparks which glowed under the ashes. How could our sympathy be aroused for a cause which the law of self-preservation taught us not only to fly, but to repel, and that more particularly as the approaches of a storm were visible in our own horizon?

" Besides all this, reasons of a different nature may be adduced, which are honourable in their way, and which deserve to be acknowledged, though we do not share the feelings which gave rise to them. By the result of the revolution, a royal family which enjoys great esteem in Germany was wounded in its worldly interests in a manner which was the more disapproved of, as the progress of affairs and the causes which brought on these rapid catastrophes had not been thoroughly sifted and examined. The accounts which the leading German papers themselves gave, were not always correct, or, in the spirit of the just saying, *audiat et altera pars*; so that many amongst ourselves, even the most impartial, could not do otherwise than reject at once the cause of a people who could throw over in *such* a manner *such* a sovereign. In general we must admit that all those who did not entirely enter into the views of the innovators, found themselves in the necessity of repressing any movement, or any opposition to the legally constituted authorities, in order to save themselves from the contagion. Whoever wished to be considered consistent, (and who would knowingly draw upon himself the reproach of the contrary?) must needs reject, on principle, the Belgian revolution, without for an instant allowing himself to sift the arguments brought forward by its authors or other defenders. The law of self-preservation forbade the acknowledgment of the principle; nor could any reasons, however well founded they might be, bring about an exception in its favour. When considered from this point of view, we find that the indifference manifested by Germany towards Belgium, and the expressions of contempt which our countrymen have frequently made use of on the subject of the young state and its endeavours, if they cannot be excused, were still brought about naturally and by the force of circumstances. It is however manifest, at the same time, that this view of the Belgian question was only admissible whilst authorized by the state of the country, and its position relatively to Germany; and that as soon as the circumstances which had occasioned this misconstruction had changed, and that the fears which appeared to have been justly entertained in the first instance were not justified by the results, but on the contrary, that instability and ferment had made way for a hopeful, steady, and in every way satisfactory state of things, it was but just and necessary that a totally different view of the case should succeed the former. That Belgium has now attained this promising state any one may easily convince himself, by observing impartially, and with a little attention, the course of events and the position which affairs have assumed within the last three years. The very reverse of all that was then feared has taken place."

After some forcible and just remarks on the spirit of mo-



deration and strict observance of their engagements displayed by the army and the rest of the nation at the period of the taking of the citadel of Antwerp in 1832, Professor Arendt goes on to detail the progress towards internal organization evinced in every important measure of the legislature, and which have been so many guarantees afforded to Europe at large, for Belgian good conduct and consequent stability.

“ The same organizing activity which had in so short a time so completely remodelled the spirit of the army, was manifested in the same manner in all the walks of public life, when, after the surrender of the citadel of Antwerp and the events which followed it, a sort of truce was established between Belgium and Holland. The country took advantage of this temporary state of quietness, on the one hand, to strengthen the institutions which it had formed, by introducing into the different branches of public life the principles which had manifested themselves during the revolution, with certain necessary modifications; and on the other, by cultivating, in the various branches of commerce and manufactures, the rich seeds of material development which it contains. All that has taken place in these different branches for the last four years in Belgium, and the course which the internal affairs of the country have taken since that time, refutes in the most striking manner the fears of those who saw in Belgium a crater of revolutionary workings, ever ready to overflow, in a manner to endanger the safety of the neighbouring nations; and the false opinion of others, who pretend that the revolution was not so much the result of defects in the state of the former kingdom of the Netherlands, as the work of violent factions; which, at the instigation of the great revolutionary propaganda, set the masses in motion, and, by letting loose the wildest wishes of the people, had obtained a momentary victory over the existing state of things, which was much regretted by reputable men of all classes.

“ Instead of advancing on the path of the revolution, which the general state of affairs in 1830 seemed to point out as the most profitable course,—instead of following up to their utmost consequences the principles which had given rise to the whole movement, and which, in the state of excitement of the masses, seemed the most natural, as France did in the years 1792-1793, rushing along the path of the revolution to its extreme point,—Belgium, on the contrary, from the moment that the re-organization of the country began, placed itself within political limits, which all the temptations and seducing opportunities offered by later events, could never induce it to transgress, and which acted as a partition-wall between it and all revolutionary excesses. To acknowledge this is an act of justice which Europe owes to Belgium. And let it not be said, that such moderation, and such a tendency of purpose, only first showed itself after the consolidation of affairs, when sensible men had perceived that it was only by pursuing this course that the revolution could be arrested, and its best results secured. No, this tendency, although less openly expressed in the beginning, was, notwithstanding, the characteristic basis of all the political

movements ; and, in reference to this, we must draw the attention of our readers to a document, which originating under the immediate influence of the revolution in its earliest stages, is the very best testimony of the true direction of public feeling in the country. It is the last article of the Constitution, which runs literally thus : ‘ Supplementary determination. The National Congress declares that it is necessary that attention should be bestowed by special laws, in the shortest time possible, on the following objects : the press ; the regulation of trial by jury ; the finances ; the provincial and commercial affairs ; the responsibility of ministers and other government officers ; the settlement of jurisdiction ; the revision of the pension list ; the measures to be taken in order to do away with the abuse of the plurality of employments ; the revision of the bankrupt laws, and the time allowed for payments ; the army regulations ; the right of promotion and of retiring from the service, and the revision of the military penal code.’ Can we require a better proof than this of the efforts made towards the organization and consolidation of affairs ? The objects which are to be regulated by laws in the shortest possible time, are exactly those which form the basis of public order, and upon which depend the principal elements of public life in constitutional states.

“ The history of Belgium since that epoch is a proof to all unprejudiced persons that she has faithfully kept the promise which she seemed in that manner to make before the eyes of Europe. One and the same spirit of moderation and of endeavours to regulate the affairs of the country in a manner conformable to the wants of the people, pervades all the laws which have followed the establishment of the constitution. They relate to the principal branches of political economy, to which they have given the form best adapted to the character of the nation, and to the necessities of its political situation. The trial by jury and the freedom of the press were established on a new footing in the year 1831 ; the system of jurisdiction was organized in 1832 ; that of the higher branches of education and of the universities was established by very comprehensive laws and regulations in 1834. A revision of the code had already previously taken place, after which important alterations were made in the penal code ; at a later period one of the most remarkable of the Belgian institutions, the provincial and commercial constitution, which is essential to the peculiar political character of the nation, underwent a complete re-organization, after mature consideration ; and shortly afterwards the same took place with respect to the army. We may consider the circle of the great organic laws, from which the new order of things derives its truest sanction, to be completed with few exceptions ; and we may with justice expect, from the activity and zeal which animates the legislature, that any chance breaches will be filled up in the next session.”

A considerable portion of the pamphlet is devoted to an examination of the working of the constitution, and a refutation of the objections made to it, as well as to giving evidence to the moderation and wisdom displayed by the king and the

government relative to the press, and the few secret societies which faction had from time to time attempted to establish in Belgium. In all this there is much candour and good sense, and so much well-deserved praise, that it really requires a practical knowledge of the subject not to mistake it for flattery. But while we can bear ample testimony to the truth of the author's statements in all that concerns modern Belgium, we cannot accord our entire concurrence with his opinions relative to that positive nationality for which he gives the country credit, from times far more remote than those which we have ourselves, in our former article, designated as the period of its development. This is, however, but a speculative, and at present a very unimportant, question, except to the national vanity, which may be innocently gratified by a solution in a spirit contrary to our opinion. It is enough, for all the real interests and honour of the country, to establish, that in forming the kingdom of Belgium, the scattered elements of that nationality, which were as nothing until consolidated, have been condensed into an active principle, that gives vitality and vigour to the masses, which without such a process would have indeed continued to be a people, but could never have been constituted a state.

We are still less disposed to agree with the eloquent, but we think unmerited, eulogy on all the proceedings of the Belgian Chambers since the formation of the kingdom. Our praises have been already awarded to the general results of the legislation, but qualified by disapproval of many of its details. And we still think that the exertions of the country, in the career of a vast prosperity, are due to the forethought and perseverance of the king and a steady band of practical patriots, despite the narrow-minded efforts of fluctuating, and consequently feeble, majorities among the representatives of the people.

A great blemish in Professor Arendt's work is a disposition, here and there evinced, to "wander from the record," for the purpose of having a fling at the prostrate liberties of France, joined with an uncalled-for, if not quite a fulsome, tone of panegyric on him who has put them down. Parallels between Belgium and that country in their revolutionary career are utterly untenable. The disproportion of their po-



litical as well as their territorial limits put them out of all scale of mutual measurement; nor is any advantage to be gained for Louis Philippe by dragging him into the contact of a comparison with Leopold. Even granting a merit to Belgium, for having made no effort to propagate in other countries the spirit of freedom which gained her independence,—and it is questionable whether it *was* a merit,—we can see neither the use nor the propriety of an out-of-date condemnation of the struggles of French republicanism and the *propaganda* it gave birth to. That mighty impulse, though misdirected and abused, was the germ of life to continental freedom. That great cause, embodied in thousands of brave men, died, arms in hand, in the streets of Paris and Lyons. If the lord of the forest be no more, let us at least abstain from ignoble efforts to dishonour his remains. The cause of monarchy has triumphed in France. But a victory may be great without being glorious. It is by its results that conquest should be judged. And liberty, when fallen and crushed, may send out a purer fragrance than that which it gave forth when it stood in erect exaggeration. Then let French republicanism sleep in its bloody tomb; and let Louis Philippe rest on his bed of roses, till he is roused by the trump of history to receive his meed of praise or blame. He has fought a hard fight, and fought it well; but it would be to belie his character of early liberality and justice, did he not now lament the fierce necessity—granting him to feel it as such—of his recent conflict with the principles which first raised him into fame.

The second part of Professor Arendt's work being entirely devoted to the consideration of Belgian nationality as connected with Germany, and consequently of minor importance to English readers, we pass it over, to come at the third, and most interesting portion, that which embraces the subject of the Belgian rail-roads, a subject not only national but European in its nature and consequences. Of all the circumstances which, since the year 1830, have given Belgium a conspicuous place in the great confederacy of continental civilization, none has been equal in extent or importance to the establishment of her rail-road system. The promptness with which she adopted, and the liberality with which she enlarged

on, this splendid improvement in the modes of inland communication, are her proudest titles to distinction at the present day; although much, as we shall by and by show, is to be said, in vindication of her claims in the scale of general utility, on the already established grounds of commercial and manufacturing eminence, as well as on the score of her revived celebrity in the more elegant of the arts.

We shall extract from the work before us some of the most striking details on this subject of rail-road development; and then offer a few statements and observations on the various prominent topics of Belgian "progress," derived from opportunities of personal observation and sources of undoubted authenticity; and we may premise that the following extracts from Professor Arendt's book are, in the main, taken from official reports and documents, collected by the minister of public works, into the form of a general report on the rail-roads of the kingdom, which was by him presented to the Chamber of Deputies and the Senate on the 1st of March, 1837\*.

"After a most spirited and remarkable debate, towards the end of April, 1834, the project of a law for the establishment of a rail-road was passed in the Chamber of Deputies, which contained virtually the following points: A system of rail-road is to be established in the kingdom, which, having Mechlin for its centre, will lead towards the east, by Louvain, Liege and Verviers, to the Prussian frontier; towards the north to Antwerp; towards the west, by Termonde, Ghent, and Bruges, to Ostende; and towards the south, over Brussels and through Hainault, to the French frontier. The costs of the execution will be defrayed by the state treasury, and the execution itself will devolve upon the government. In order to meet the former, a loan will be set on foot; in the first instance, however, till the loan can be negotiated, a credit for ten millions of francs will be allowed to the government, which will be covered to its entire or partial amount by the issue of exchequer-bills. The tariff for the use of the rail-roads will be fixed yearly by a law, and the proceeds of the undertaking will serve to the cancelling of the loan, as well as to the defraying of general expenses. Every year, beginning from the first of July, 1835, until the complete termination of the works, a circumstantial account of all the operations authorized by the present law is to be laid before the Chambers.

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\* *Chemin de Fer de l'Etat, dépenses d'établissement, d'entretien, et d'exploitation du premier Mai, 1834, jour du commencement des travaux, jusqu'au mois de Janvier, 1837. Rapport présenté aux Chambres Législatives par M. le Ministre des Travaux Publics, le 1<sup>er</sup> Mars, 1837, suivi du tableau des demandes en concessions au 1<sup>er</sup> Janvier, 1837. Imprimé par ordre des Chambres.*

" This law contains the basis of the system of the Belgian rail-roads."—  
p. 136.

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" In order to give an accurate and comprehensive view of the state of the entire undertaking, and of the mode of execution, we can do nothing better than give, in abridgement, the report of the two head engineers to the minister, upon the state of the works. All those who are engaged in similar undertakings in Germany will, we have no doubt, find in it a mass of highly interesting and useful information.

" The works began immediately after the publication of the law of the 1st of May, 1834. A year later, on the 5th of May, 1835, the section from Mechlin to Brussels, an extent of 20,350 *metres*,\* was opened to the public, (which, on the 3rd of May, 1836, was extended to Antwerp, a distance of 23,680 *metres*,) and on the 2nd of January, 1837, the section from Mechlin to Termonde (on the Ghent and Ostend line) was completed to an extent of 26,750 *metres*. Therefore, in the space of two years and eight months, a distance of 70,780 *metres*, namely, upwards of fifteen leagues, had been completed: six sections, of which many will be opened before the end of the year 1837, form part of the works, viz. that from Louvain to Tirlemont, a length of 18,900 *metres*; that from Tirlemont to Waremmes, of 23,260 *metres*; that from Mechlin to Louvain, a distance of 25,700 *metres*; that from Termonde to Ghent, of 28,340 *metres*; that from Waremmes to Ans, and that from Ghent to Bruges, comprising, the one a space of 19,670 *metres*, the other 40,460 *metres*."

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" The expenditure for the execution of the aforementioned works amounted, up to the middle of the month of February, to about fourteen millions of francs; of which one million and a half was expended during the first year; during the second, 5,800,000, and during the last eight months, seven millions. It is evident, from this gradual increase of the expenditure, that the undertaking has been directed with as much prudence as zeal. Not until experience had proved the expediency of the system followed by the directors was it applied to its full extent. Let it also be considered, that the sums hitherto laid out by the treasury have already produced upwards of a million of francs, and that the remainder is represented by the acquisition of objects of essential value."—p. 146.

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" It may not be uninteresting to the reader to have a few more details respecting the cost of the works hitherto completed. Our accounts are chiefly borrowed from the report already adverted to, which was issued by the minister of public works. The section from Mechlin to Brussels, extending over 20,350 *metres*, occasioned the following expense: the acquisition of the soil for the rail-road itself, 190,240*f.* 16*c.*; the tracts of ground necessary for the building of offices on both stations, at Mechlin and at Brussels, 276,500*f.* Besides which, the sum of 14,546*f.* 84*c.*

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\* 1600 *metres* = an English mile.



was requisite as an indemnification for losses of harvest, of sowing, of manuring, and things of that nature. The drawing out of plans, surveys and designs, the valuation of land, and the costs of purchase, amount to 10,228*f.* 80*c.* The total expense of the earth-works and masonry amounts to 385,065*f.* 67*c.* The delivery of wood for the railway itself cost 92,468*f.* 68*c.*, and that of cast and forged iron for the grooves and other appurtenances, 420,110*f.* 88*c.* To this must be added the costs of all extra works, such as houses for the attendants on the road, barriers, rails, &c., which amount to 13,988*f.* 58*c.*

"The acquisition of the soil for the section from Mechlin to Antwerp, all indemnifications and extra charges included, cost 478,467*f.* 1*c.* The earth-works and masonry, including also the building of the great bridge over the Nethe at Düffel, amount to 923,785*f.* 73*c.* The delivery of wood, to 166,883*f.* 76*c.*, of which, however, only 105,825*f.* was applied to the road itself, whilst the surplus partly remained in the *dépôt*, and was in part provisionally employed for making pallisades on the road itself. The cost of the grooves and other appurtenances amounts to 523,720*f.* 19*c.*

"The expenses for the section from Mechlin to Termonde, a distance of 26,750 *metres*, are as follows: the price of the soil, 343,080*f.*; the total amount of the works, including the various deliveries, 1,231,355*f.*; for the direction and inspection of the works, as well as for the drawing of plans, 44,000*f.*; making a total of 1,618,435*f.*

"Let us now throw a glance at the receipts which these three sections have produced to the state, and at the number of travellers who have visited them. We must here make a distinction between various periods: during the first period, from May 1835 to May 1836, when only the section from Mechlin to Brussels was open, the receipts were 359,394*f.* 15*c.*; and the number of travellers 563,210. During the second period, from May to the end of December 1836, namely eight months, the two sections from Mechlin to Brussels and to Antwerp produced the sum of 734,736*f.* 20*c.*; the number of travellers rose to 729,545. From calculations, the result of experience, and of an accurate consideration of concurring causes, we may estimate the number of travellers for each section, upon an average, at 500,000 yearly. From this estimate, and from the calculation of costs for the keeping up of the works, and all other expenses, the following budget of these three sections was drawn out for the year 1837. The placing at interest of the capital of 6,480,000*f.*, at 4 per cent. and 1 per cent. *amortissement*, produces 324,000*f.* The maintenance and superintendence of the rail-road requires 200,000*f.* Expenses of transport, 425,000*f.* The costs of receipt and of administration, 120,000*f.* The budget of expenses, therefore, for the three sections amounts yearly to 1,069,000*f.* Now, the first ten weeks of the year 1837, which in fact are the most unprofitable of the whole year, owing to the inclemency of the weather, which confines all communications to those of the strictest necessity, produced a receipt of nearly 160,000*f.*, and everything concurs to ensure the prospect that the receipt for the whole year will rise to a

million and a half at least, whereby each of these sections would yield a clear profit of 100,000 francs."—p. 159.

We here take leave of Professor Arendt's useful publication, translations of which into the French and English languages would be, we think, of no small service to the interests of Belgium; and we shall follow up his labours by a few brief and striking extracts from a later report of M. Nothomb, the minister of public works, which was presented to the Chamber of Representatives, the 26th of October last:

"The service of the rail-road now offers three distinct periods, founded on the successive epochs from the opening of the several sections to the commencement of September.

"First Period. Twelve months. From May 1835, to the end of April 1836, one section, that between Mechlin and Brussels.

"Second Period. Eight months. May to December 1836, two sections, Mechlin, Brussels, and Antwerp.

"Third Period. Eight months. January to the end of August 1837, three sections, Mechlin and Brussels, Brussels and Antwerp, Brussels and Termonde.

"The month of September, during which three new sections have been successively opened, is to be considered as a time of transition towards a fourth period, during which six sections are in operation.

"The results of the first two periods are already made known in the report presented on the 1st March, 1837.

"During the second period, the receipts of the first have been about doubled. In the calculations of the budget of 1837, it was reckoned that the receipts for the third period would be in the same proportion, that is to say, triple those of the first period. Those expectations have been realized, in spite of the bad weather of the winter and spring months this year, and the following table will show that they have been in fact exceeded:

Receipts of the first eight months on one section, Brussels and Mechlin.	Triple.	Actual receipts of three sections for eight months.
241,451 <i>f.</i> 70 <i>c.</i>	724,355 <i>f.</i> 10 <i>c.</i>	742,888 <i>f.</i> 24 <i>c.</i>

"Thus the actual receipts have surpassed, by 18,533*f.* 14*c.*, the probable receipts on which the calculation was based\*."

"From the 1st January, 1838, it is expected that eight sections will be in full operation for travellers, and three sections for goods. The section from Ghent to Bruges is expected to open on the 1st May at latest; that from Bruges to Ostend on the 1st June; and that from Ans to Liege in

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\* The receipts for 963,000 travellers, from the 1st January to September 30, 1837, amounted to 926,733 francs; and the month of October produced 209,932 francs.

the month of September. The government also reckons on the probability that the year 1838 will not close without the opening of the lines of communication between Ghent and Lisle, and from Namur through the province of Limburg, as well as the sections from Ghent towards Courtray, and from Brussels towards Tubise."

The presumed receipts for the year 1838, are calculated,

For travellers at . . .	4,000,000 <i>f</i> .
For goods . . . . .	850,000

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4,850,000

The total expenses calculated at . .	3,420,000
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Balance . . . . . 1,430,000

which will pay an interest of five per cent. on the entire capital embarked, 26,500,000*f*., and the negotiation of the loan, which, at eight per cent., amounted to 2,120,000*f*.—in all 28,620,000*f*.

To these details we may add, that the rail-road communications of Belgium comprise, at this moment, an extent of one hundred and fifty English miles; and that those which are decided upon towards France will embrace a further distance of ninety miles. And, in conclusion of this branch of our subject, we may state that above twenty millions of francs are now voted by the government, and the different localities, for the construction of new roads and canals, although Belgium is already so rich in the facilities of communication.

Having thus shown, from incontestable data, the persevering activity of the Belgian government and legislature, it may be well to sketch the motives which have given so extraordinary an impulse towards this lavish expenditure of money, for the object of increased internal communication.

As soon as the success of her revolution and the establishment of her independent neutrality gave breathing-time to Belgium, she felt that the best method for combating the obstinate animosity of Holland, was to declare against her, if we may be allowed the expression, a war of public works, which would completely baffle her hostility, and force her in the end to sue for terms of commercial peace, on a basis of reciprocal utility. To carry out this idea, the following constructions were decided on, and quickly put into execution :



*First.* Rail-roads which would unite the Scheld and the sea with the Rhine, thus rendering comparatively unproductive to Holland the rivers which had secured to her the commercial monopoly of the Rhenish provinces, and the transit trade to Germany.

*Secondly.* A canal, in a direction lateral with the Dutch frontier, which would throw the waters of Flanders into the Northern Ocean, instead of discharging them into the Scheld; and thus, while depriving the ports of Zeland of the supply of water necessary for their cleansing, and the inhabitants of that which is drinkable in those districts, guarantee the Belgian provinces against all danger of inundation on the part of their neighbours.

*Thirdly.* Roads and canals required for facilitating the relations between producers and consumers, and thus encouraging, by the most direct and positive means, the development of agricultural, commercial, and manufacturing industry.

Pursuant to the policy which decided on these vast projects, simultaneous efforts were made, with promptitude and energy, to carry them into effect. The law which, in May 1834, authorized the rail-road constructions towards the German frontier, was hailed with approbation and delight by all the practical intellect of the country, as second in importance only to the declaration of national independence, which it was expected to consolidate and confirm. The success which has attended its execution, as far as it has gone, has been matter of great triumph and excitement throughout Belgium; and the consequences of its completion are looked forward to as of incalculable advantage to the political as well as the manufacturing interests of the nation.

We have fully shown, in the earlier part of this article, with what disfavour the forced separation between Holland and Belgium was viewed, not merely by the governments, but also by the people of Germany. To remove this impression was a matter of the very first importance to Belgium; and, for that purpose, some effort, at once powerful and original, was required. Community of commercial advantages was alone the means of converting the prejudices of Germany, through the medium of her interests; and her eyes have been thoroughly opened to the truth, by the proofs so libe-

rally afforded by Belgium, of her wish to make the intercourse between the countries of real reciprocal benefit. Its value to Germany arises from the false views fostered by the Dutch government, with regard to the German trade, ever since the year 1815. Holland showed the strongest desire to re-establish her commerce on the same principles as were found so advantageous during former times, losing sight altogether of the radical change which had taken place in her relative position with the trading communities, particularly those settled on the banks of the Scheld, the Weser, and the Elbe. As a consequence of these mistaken views, the Dutch commerce never correctly understood the system of transit which the junction with Belgium rendered it indispensable for them to adopt, to prevent Central and Western Germany from seeking a different channel of communication with the ocean than the natural one afforded to them by the Rhine. So that while the interior of Germany was encouraged to ship the produce of the country, and draw the supplies of foreign commodities through the ports of Hamburgh and Bremen, by the transit of all goods being there subject to a trifling *ad valorem* duty of one-fourth or one-half per cent., this transit trade was subject, in the Netherlands, to duties varying from one to five per cent., and sometimes even more than that.

The old system in Holland was to levy a scale of very moderate duties on the *consumption* of all foreign articles, while the Germans were made to pay heavily on the same while only passing the Dutch territory in transit. While the commerce of Holland enjoyed, in a measure, a monopoly in all the colonial trade, they certainly could with impunity maintain such a system; but it was totally incompatible with a fair competition with other commercial countries. At an early period, therefore, of the union between Belgium and Holland, in 1817, the government was prevailed on to establish a modified system of transit duties, which, though less liberal than that of Hamburgh and Bremen, allowed the commerce of the Netherlands with Germany to receive a material extension. In Antwerp particularly, the quantity of goods passing, especially from England and the Rhine countries, became very considerable; but the government did

not possess firmness sufficient to resist the outcry raised against the system in Holland, where the merchants maintained that it must soon render them mere shipping agents to the commerce of Germany and England. Their complaints were soon strengthened by those of the Belgian manufacturers, sugar refiners, and others, who declared that the encouragement of transit rendered nugatory the system of high protecting duties against foreign manufactures introduced for home consumption; goods being, as they pretended, fraudulently entered to pass through the country in transit, but which in reality never crossed the German frontier, but were introduced into consumption in Belgium.

This double action of interested clamour forced the Government to adopt a change of system. The transit of certain articles, such as salt, rags, &c., was in consequence entirely prohibited, and increased duties levied upon all others, to an extent which instantaneously paralysed the general transit trade with Germany, to the great benefit of Bremen and Hamburgh, whose commercial prosperity has progressively risen since that period.

The odium of this system, so hostile to the interests of Germany, has always been mainly charged to the account of the Dutch, its real authors; and they have always borne exclusively that produced by the chicaneries by which the free navigation of the Rhine, admitted in principle by the treaties of 1815, was denied to Germany until 1831, when it was ratified by the Convention of Mayence. Add to these considerations the fact, that the system acted on by the Dutch transit agents, from time immemorial, had been founded on an extent of fraud and exaction quite unparalleled, and from which Germany had been so long a sufferer; and there will remain no doubt how much the commercial men of that country must wish to cultivate the most intimate relations with Belgium, which alone can offer an effectual control to the selfishness and bad faith of Holland. The comparatively favourable disposition of Germany towards Belgium, was progressively manifested during the ten or a dozen years preceding the revolution of 1830; and, by the introduction of steam navigation, the rate of transport from Antwerp to the countries contiguous to the Rhine was so much reduced, and the inter-



course rendered so rapid and regular, that, in defiance of all the disadvantages resulting from the ill-judged system of transit duties before referred to, this branch of trade had, in 1829 and 1830, received an extension, so far surpassing that of Holland, as to have greatly contributed to augment the jealousy and irritation of the Dutch.

Ever since the events of 1830, great efforts have been made throughout Germany, not only by the Dutch commercial houses, but by the political partisans of the Nassaus in Belgium, to prove that no measures favourable to German trade were to be expected from the legislature of that country. For a time these efforts were most successful; and it was almost entirely by the zealous efforts of a few individuals of Antwerp, and their connexions in Cologne, equally interested with them in seeing the commercial intercourse between the countries re-established, that the better feeling manifested for the last two or three years was produced. But the crowning measure of reconciliation between the interests and feelings of both nations was the adoption of the railroad system. Without means of communication between the Scheld and the Rhine, beyond the control of Holland, and offering, at the same time, for the transport of goods, at least equal advantages, in point of economy and celerity, as the steam navigation by the Rhine, Germany never would have been satisfied that her trade was emancipated from the baneful effects of Dutch monopoly. But with the facilities of the railway communication, and the liberal system of commerce which its construction will greatly contribute to enforce on the somewhat tardy but not intractable spirit of the Belgian legislature, the views of the Germans will be, no doubt, amply gratified, and the immense advantages resulting to the countries comprised in the Confederation, must assuredly produce a sympathy most favourable to the consolidation of Belgian independence.

Apart from this main consideration of a connexion with Germany, the construction of the rail-road must of necessity effect a considerable benefit in opening the minds of the Belgians, numbers of whom are still unconvinced of the propriety and importance of the system, which is undoubtedly the best suited to the general commercial interests of the country.

There is a large and influential class, who either view the limits of their home trade, as those which should almost bound the operations of their commerce ; or even admitting the transit trade to offer any advantages worth looking after, advocate principles for the regulation of the general commerce, which, if acted on, must infallibly cramp, if not finally destroy it. Amongst those, a leading one, in imitation of Great Britain and France, is to secure to the national flag a monopoly of the consumption in the country of all foreign produce, by levying on it, when introduced by foreign vessels, an additional duty ; leaving, thereby, to the latter, a fair competition only in the transit trade. The advocates of such views seem to lose sight entirely of the wide difference between Belgium and her two powerful neighbours for the advantageous application of such a principle, even admitting it to be correct in the abstract, when taken in reference to its effects upon the interests of the nation at large.

We cannot follow up this subject by a detailed examination of the reasonings on either side of this question. But the probable results of the construction of the rail-road and the free navigation of the Scheld will no doubt carry conviction to all minds, that the commercial system best suited to the general interests of Belgium, and that which will best allow of its reaping the advantages of its peculiar geographical position, is one which will admit the paramount importance of the transit trade, and which will secure it from being compromised by the adoption of any principles directed to the exclusive protection of individual, local, or secondary interests. The realization of those anticipations will make it almost certain that, within a very few years from the present period, the general commerce of Belgium will have received an extension far surpassing what it had attained at any period of the union with Holland ; and its prosperity must carry with it that of every other branch of industry, manufacturing and agricultural, the natural result of the fertility of the soil and the perseverance of the inhabitants, instead of the hot-bed system so injudiciously applied, under the influence of that general speculator, King William, to force the national resources.

In proof of the prodigious stimulus given to the commercial and manufacturing energy of the country of late years, it may



be enough to show, from an official source, the amount of capital embarked by different companies in various speculations since 1833.

For coal mines, blast-furnaces, and iron making . . . . .	} 40,540,000 <i>f</i> .
Sociétés générales . . . . .	45,000,000
Glass-making . . . . .	8,000,000
Sugar-baking . . . . .	8,130,000
Insurance companies . . . . .	71,200,000
Roads . . . . .	3,500,000
Societies for loans on mortgage and annuities . . . . .	} 43,000,000
Other companies for various ope- rations . . . . .	} 26,321,000
Total . . . . .	<u>245,691,000<i>f</i>.</u>

The financial situation of Belgium is also one of the highest satisfaction to the friends of real liberality, and of this country, its most perfect existing illustration. When we look back on the difficulties she had to encounter, and which she has overcome since the year 1830, we are lost in astonishment that so much has been done with resources so feeble and restricted.

What did the Belgium government possess at the commencement of the revolution, or find in the public treasury when its keys were wrenched from the grasp of its *financial* monarch? Absolutely nothing; while it had actually to create every one of those public elements which constitute a state. Army, administration, law—all in fact were to be called into being and then organized for action; and all was done with almost unexampled rapidity and economy. Two loans were raised, one of 100,000,000 francs, the other of 15,000,000; the first of which has been already reduced by the operation of the sinking-fund to 95,000,000. And it must be observed, that the unfavourable terms at which these loans were negotiated, owing to the insecure and perilous state of the country, only brought a positive amount of a capital of 80,000,000*f*.\*

\* The returns of the rail-road and other newly formed communications being amply competent to cover the interest of the loan of 30,000,000*f*. raised for their construction, it is not here taken into account of the public burthens.



With this sum immense undertakings were completed. A revolution was effected; independence secured; the closing for a long time of her principal commercial port, and the consequent manufacturing crisis, borne up against; her army and national guard equipped; the arsenals newly furnished; fortifications repaired and constructed; materials of war largely accumulated; prisons, barracks, and other public buildings raised; schools founded, libraries and scientific collections purchased; and lastly, (but perhaps the most questionable of those state necessities,) a flotilla, the nucleus of a future fleet, armed and equipped, and placed in readiness for war. And in the mean time, be it observed, Holland, which possessed an organized establishment of every one of the items now enumerated, has been forced, either by a false system of finance or an exaggerated rate of expenditure, to effect loans to the amount of 4,000,000*l.*, sterling, nearly double that of her more provident and less corrupt rival.

The broad and general notion of the situation of Belgium arising from these statements might suffice to convince our readers of the extent of private industry, public confidence, and governmental energy which reigns in that fortunate country. But there is one particular instance of individual enterprise and power, so essentially national to Belgium, so identified with its prosperity, and of a celebrity so truly European, that it is impossible to leave it unnoticed. We allude to Mr. John Cockerill of Liege, to the vast and unprecedented extent of his manufacturing establishments, and the gigantic speculations springing from that basis.

This gentleman is decidedly the most distinguished person who has yet appeared in the manufacturing world; entering on his plans and carrying them through with a facility that gives proof of intuitive skill of a high and peculiar order. Projects, almost any of which the great majority of men would undertake in doubt, are completed by Mr. Cockerill with unerring success. He is concerned in above half a hundred manufacturing establishments; many thousands of men are under his control; an expenditure of millions is at his command; yet every month almost sees him entering on some new adventure, with such promptness and confidence, that success seems as much a matter of course as though he wielded its elements

at will. He is a manufacturer as Shakspeare was a poet—*nascitur, non fit*. It is no exaggeration to say that he seems destined as an instrument to carry out some great purpose of national good. It is universally admitted that his untiring activity does not spring from any sordid love of gain, nor is it allied with any vulgar passion for display. With colossal means of influencing, and almost commanding, the sources of worldly distinction, the ambition which urges him on and keeps him up is of a purer kind. He is celebrated at once for his benevolence and generosity, blended with that unassuming bearing so distinctive of eminent men. Mr. Cockerill owns various large establishments in different countries of Europe. Germany, France, and Poland possess some of them; but most are situated in Belgium. His last great purchase was the extensive and long-time unsuccessful iron works at Decazeville, in the south of France, now in full and triumphant progress under his direction; his last great speculation, the contracts for the rail-roads from Paris to the Belgian frontier, and that from Lille to Calais, the former of which enterprises embraces an outlay of eighty millions of francs. There is scarcely any branch of manufacturing industry in which he is not deeply engaged, as sole or joint proprietor; but the most remarkable of all, for its intrinsic qualities of vastness and solidity, as well as from its being the head quarters, so to call it, of Mr. Cockerill's wide-spread operations, the seat of government of the scattered empire of mechanical enterprise over which he reigns paramount, is that of Seraing, on the banks of the river Meuse, within a league's distance of Liege.

There certainly does not exist in Europe any one establishment comparable to this, for the extent and variety it embraces. Coal mines, iron works in all their departments, blast-furnaces, steam-engines of immense power, machine-making in every branch, canals, railways; a combination, that makes it difficult to conceive how such perfect discipline and admirable regularity can exist in so complicated a mass of operations.

This now celebrated place was formerly the palace residence of the prince-bishops of Liege. It extends for nearly a mile along the Meuse, in the fertile plain of Sclessin, enclosed within hills of most picturesque variety; and offering to the con-

templative mind a contrast as well as a picture, a lesson of political philosophy as well as a spectacle of high civilization. Instead of the donjon-keeps and belfries of the dark ages, stations of the feudal pride and priestly imposture which of old crushed and debased the population, there are now to be seen all around the types of scientific skill—enormous machines in almost perpetual motion, towering chimneys throwing out clouds of vapour, like floating standards, to the sky, and blazing furnaces, which send forth, night and day, an undying illumination in honour of human industry. Three thousand seven hundred men are constantly employed in these works. The din of machinery, the clank of hammers, the hissing of steam, the roar of the furnaces, and the innumerable minor noises of the place, are not more astounding than is the view of those regiments of Cyclops wielding their huge muscular strength, themselves so many silent instruments of power, acting as on the impulse of some invisible engine that turns man himself into a machine. When we gaze on the vast whole and examine the minute details, we can scarcely comprehend how one master spirit is capable of directing even this single enterprise. But when we reflect on the numbers of similar though less extensive undertakings of which Mr. Cockerill is the chief, we cannot help viewing him as a great benefactor to his adopted country, where he is deservedly looked on with gratitude for his example, and with affection for his frank and disinterested character. Embarked on such a “multitudinous sea” of speculation, it seems impossible for him, even if he wished it, ever to retire to the *terra firma* of a quiet life. The immense combinations of which he is the centre spring would assuredly fall to pieces were he to stop short in his career. It is therefore probable that this remarkable individual must through life go on in the vortex of his own creating;—and it will be well for Belgium should it be so;—leaving to his successors to reap the now incalculable profits which he may never himself be able to realise.

The state of public education in a new country, that is to say, a country of newly constructed institutions, is a point of such vast importance, that we cannot avoid briefly adverting



to that of Belgium, although it is a topic, strictly speaking, unconnected with the main subject of our examination.

During the government of the late dynasty, the agitation of this question and its mismanagement by the king, forming a counterpart to the fatal errors of Joseph II. forty years before, were among the most striking proximate causes of the revolution. The violence done to public feeling by King William, although his intentions were, like those of his imperial predecessor, most praiseworthy, has at least served as a warning to the present sovereign and his ministers; and since the accession of Leopold, there has been no recurrence of those grievous mistakes which gave so painful a notoriety to the preceding reign. Whatever may be the wishes, the regrets, or the hopes of conscientious Protestants, it is still manifest, that in a country almost wholly Catholic, and likely long to remain so, the education of the people must, as a social necessity, be chiefly in the hands of the priests. The great object, then, to seek and labour for, is to enlighten the teachers and through them their scholars. To begin a crusade of conversion against the prejudices of Belgian peasants or artisans would be beginning at the wrong end. The day that may see the emancipation of the Belgian people from what we believe to be their errors will be one of rejoicing to all true Christians. In the mean time we should be satisfied to look on what is commonly called education, that is to say, a knowledge of the elementary branches of learning, as a means towards morality, not as an end of civilization. And viewing the state of Belgium in a dispassionate and candid spirit, we see (as proved by the work of M. Ducpetiaux, referred to in our former article\*) that the ratio of crime has of late years diminished in Catholic Belgium, while it has remained stationary in free-thinking France, and has fearfully augmented in Protestant England.

Beginning at the beginning, a system of simple logic not always followed by foreign classifiers, we must state that in the branch of primary education (*instruction primaire*) it is

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\* *Statistique Comparée de la Criminalité en France, en Belgique, et en Angleterre.*

unfortunately the fact that Belgium has made no absolute improvement since the revolution of 1830. Before that event the primary schools throughout the kingdom were under the control of provincial boards, nominated by the government. These boards held half-yearly examinations, on which occasion they conferred diplomas on those teachers whom they found fitting, and without such an authority no individual of either sex was allowed to give lessons even in private schools.

The revolution, in proclaiming the liberty of education, could not of course admit of this state of things. All coercive powers were in the first instance taken away from the provincial boards, which were restrained to a simple *surveillance* of such schools as were wholly or in part supported by the state. A decree of the regent in 1831 very soon put an end to those boards altogether, reserving to the government the right of inspection in the schools above specified, a right which has however not been put into practice from that day to this. The schools on the Dutch system, established by King William, and extremely unpopular in his time merely because they were Dutch, have been generally admitted since he was driven from the country to have been excellent in their method, and productive of much practical good. The clergy, recovering their privileges on William's expulsion, replaced the masters of his choice by their own ignorant subordinates; and many localities saw their sextons and parish clerks occupying places for which they had not the requisite qualifications. But the inhabitants, and in many instances the clergy themselves, have latterly begun to apply the most rational remedy for the evil, by reinstating the old masters in their functions. Thus in the town of Termonde it was by the influence of the dean himself that the former school was re-established; one of many examples of the toleration and good sense of the Belgian priests, the best and truest chance for the enlightenment and happiness of the country.

It is still to be lamented that there is no established legislative interference with primary education in Belgium. With the exception of the schools which receive pecuniary assistance from the state, all are left to the caprice of the communal councils, who in several places have given proofs of a niggard and ignorant spirit, going so far as to strike off altogether the

allowance for schoolmasters. Various other abuses have resulted, during the last seven years, from the interpretations given to the principle of free education, in several of the small towns and rural communes; every day making thus more evident the necessity of a law on this subject, which would confer on the executive power a sufficient extension of rights, to enable it to accomplish the paramount duty of propagating (and in case of need enforcing) elementary instruction among the lower orders of the people.

A lengthened discussion on the principle of compulsory education would be here out of place, although the subject is too vital to allow of its consideration being ever out of season. Education is to the social system what the action of the heart is to the human frame. Let the moral or physical diagnostics be what they may, all must be dependent on the one great impulse which regulates the main result—disease or health, crime or virtue. We may, then, even here advert to the oft-mooted question as to whether the state or the parent has the right to educate the child. It is at any rate a self-evident maxim of justice that the child cannot be left altogether ignorant without suffering a grievous injury. It is hard to say which is most guilty in such a case—the father who commits the social sin of neglecting the education of his offspring, or the community which effects a negative suicide in failing to instruct its citizens. The god of the mythology who devoured his children was merciful in comparison with the individual or the state that leaves its sons to prey on each other. Forcing children to go to school is no more a tyranny on the part of a government than it is on the part of a father. The boy who attends a public gymnasium works quite as willingly as he who fags under a tutor at home or in the classes of a parish school. The state has the right of punishing criminals; why should it be denied the privilege of preventing crime?

Let us look at the situation of things in England. The child unborn may be innocent, according to the common adage—but what other child is so? From the moment they crawl from their cradles, the infants of the poor are initiated into ignorance and, its sure concomitant, vice. Who is not harrowed by the daily newspaper reports of youthful deprava-



vity in London? and could those things be if the children of the poor were forced into the wholesome discipline of school attendance, even if learning were a dead letter? What is the reason given by thousands of parents for sending their children to school? why, "to keep them out of harm's way." That negative employment, if not actually in itself an education, is at least almost equivalent to it. The government that is not impressed with this truth and that lets a swarm of untaught beggary spread over the land, is like Bellarmine, the canonized anti-utilitarian, who, according to Bayle, allowed the vermin to feed on his body undisturbed.

The admirable working of a contrary system to this in the various German states cannot be too frequently brought before the public of other countries, whose pride of freedom revolts from doing aught "on compulsion." It is well that they should be familiarized to the fact that society is in its very essence a state of restraint. The natural rights of man are his rights in a state of nature; those rights are virtually forfeited by the formation of society. The only question then to decide is the minimum of wholesome restraint by which society can be kept together. The various modifications to which it is subject must be regulated by considerations of social good, not of individual enjoyment. It must be admitted that men are little better than children in the common conduct of life; often they are much worse; they too frequently plunge into excesses, not only fatal to themselves but injurious to the community. From these evils, more than any innate vice of tyranny, have arisen the various severities which corporate authority exercises over its refractory fellow-citizens. Thus glancing for a moment at the social state of Ireland, where men are free to marry and starve, and then looking at the strictness of the parochial laws in some of the German states, where the first is difficult, the latter almost impossible, we may hesitate awhile before we pronounce decisively on questions which common custom may nevertheless appear to have irrevocably settled.

Returning to the subject from which we have for a moment, but we trust not irrelevantly, digressed, we find that primary instruction has made no direct progress in Belgium

for the last eight or ten years. If the number of schools or pupils has augmented in some districts it has diminished in others. Thus, in spite of the essentially popular spirit of its revolution, and notwithstanding its prodigious advance in the movements of social organization, this country has stood stock-still, amidst the ameliorations carried forward throughout Europe at large in the great object of elementary education. This painful truth is manifest from the statistical documents of two epochs, before and after the revolution\*, from which we extract the following convincing, though far from satisfactory, tables :—

Provinces.	Population.		Number of Scholars.	
	1826.	1834.	1825.	1833.
Antwerp .....	319,285	354,567	31,401	27,694
Brabant .....	492,736	577,209	43,541	50,011
West Flanders	571,034	615,904	57,122	43,278
East Flanders.	689,158	747,569	55,872	52,818
Hainhault.....	546,245	626,942	60,437	61,243
Liege.....	337,556	380,189	23,333	31,551
Limburg .....	324,368	326,737	23,754	30,813
Luxemburg ...	291,759	316,504	34,904	42,894
Namur .....	199,482	220,332	22,978	30,694
	<u>3,771,623</u>	<u>4,165,953</u>	<u>353,342</u>	<u>370,996</u>

The number of schools amounted in 1833 to 5229, of which 2170 were parochial, 469 mixed (that is to say, supported in part by the government), and 2590 private.

The number of scholars was distributed as follows :—

	Boys.	Girls.	Total.
Parochial Schools ...	105,131	79,958	185,089
Mixed .....	29,169	17,605	46,774
Private.....	73,045	66,088	139,133
Total .....	<u>207,345</u>	<u>163,651</u>	<u>370,996</u>

And here is the proportion of scholars by provinces, at the two above-mentioned epochs, in 1825 and in 1833 ; the reports for 1836 varying but little from the last of those :—

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\* Rapports sur la Situation des Ecoles supérieures, moyennes, et primaires, du royaume des Pays-Bas, depuis 1816 jusqu'en 1826. La Haye, 1829.

Documens Statistiques recueillis et publiés par le Ministre de l'Intérieur du Royaume de Belgique. Bruxelles, 1836.

		1825.	1833.	
Namur .....	1 scholar in	8·7 .....	7·4	inhabitants.
Luxemburg .....	1 .....	8·4 .....	7·5	—
Hainhault .....	1 .....	9· .....	10·4	—
Limburg .....	1 .....	13·6 .....	11·	—
Brabant.....	1 .....	11·5 .....	11·5	—
Liege.....	1 .....	14·4 .....	11·7	—
Antwerp .....	1 .....	10· .....	13·	—
East Flanders .....	1 .....	12·3 .....	14·2	—
West Flanders .....	1 .....	10· .....	14·5	—
The whole kingdom	1 .....	10·7 .....	11·3	—

It is thus seen that while education has made progress in the provinces of Namur, Luxemburg, Limburg, and Liege (those nearest to France), it has remained stationary in Brabant (the central portion of the kingdom and the seat of government), and has woefully retrograded in Hainhault, Antwerp, and the two Flanders\*, the last three being considered the stronghold of priestly influence. Whatever inference may be drawn from these facts, it is deplorable to think that more than one half of the Belgian children, from six to fourteen years of age, are still left without instruction of any intellectual kind; while in Holland the state of public education is most flourishing, presenting a total of one pupil in 8·30½ inhabitants, with an abounding establishment of normal schools, for the instruction of masters, an important branch of public education wholly unattended to in Belgium. The proportion in Prussia, where the salutary principle of compulsory education exists in full force, under the superintendence of a minister of state, is one scholar in 6·29½ inhabitants†. In England, primary education is precisely on a par with that of Belgium; but it may be a consolation to our

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\* Ghent, however, is following the march of improvement so remarkable in the southern provinces. It can boast of five schools, one of them containing 700 scholars, with five masters and six or eight assistants, all paid by the town. The instruction comprises Flemish, French, writing, geography, the history of the country, arithmetic, and the elements of geometry and algebra. The period of education is four years.

† Prussia owes this wholesome state of things to the enlightened despotism of Frederick the Great, dating from the 1st of January, 1769. The other states of Germany, Bavaria, Würtemberg, Baden, Saxony, &c., present nearly the same proportions more or less. Austria gives a proportion of one scholar in ten inhabitants. The state of education in Hanover is the great exception to its general prosperity in Germany; it is there in a state quite congenial to the political darkness of the present king.



national pride under such a humiliation, to know that France ranks still lower in the scale, giving a proportion of one scholar in 13·3 inhabitants. Independent of the admirable reports of M. Cousin on the state of education in Germany, we may refer to the works of M. Ducpetiaux, one of the most pains-taking and useful statistical writers in Europe, and another instance of those Belgians distinguished for political activity before and at the period of the revolution, who now devote themselves entirely to the carrying out of the social organization of their country.

The second branch of education, called *instruction moyenne*, comprises the colleges or *Athénées* established in the principal towns, at the charge of the inhabitants, but partially aided by the government. There are no public schools with exclusive endowments by the state and under ministerial control. Those which we now speak of are conducted on the old Dutch system, with the exception of containing one division of scholars who learn neither Greek nor Latin, but receive a purely commercial education; and that the English and German languages are taught in almost all of them. These colleges sustain a constant rivalry with the free schools established by the regular members of the priesthood and the Jesuits, for the instruction of young recruits for the ecclesiastical ranks. It may be a startling but it is a perfectly true statement, that the latter-mentioned class of teachers are not only the more learned but the more liberal of the two. They have for some time past instructed their pupils in the spirit of the age, inasfar as it is at all consistent with the rigorous doctrines of their order, and they give an almost gratuitous education to day-scholars. It is impossible to calculate the extent of improvement which the existing system of this branch of education will produce in the country. The professors of the lay colleges are, without exception, liberal,—the Jesuit professors, and even some of the regular clerical teachers are so after their fashion, engrafting, like their great apostle De la Mennais, republican licence on theological subserviency. They recommend the study of English, which is taught even in the *petits séminaires*, those whilom nurseries for young bigotry. Mathematics, physics, and chemistry, are regular parts of the instruction. A generation of enlight-

ened priests is thus at this very moment under a system of tuition, which will in all probability lead a large proportion of them to go hand in hand with the progress of general intelligence, in that grand march which has become a by-word to immortalize the age we live in.

On the other hand, the all-important education for scientific industry rapidly extends. There are several schools of that nature (*écoles d'industrie*) established; the principal one on a vast plain at Brussels. The province of West Flanders is just now establishing another for simple artisans (the conceited title "operatives" not being adopted by the hardy workmen of Belgium), of the same nature as those which already exist at Liege, Verviers, Ghent, and other manufacturing towns; while the province of Hainault has recently founded one for the important local object of instructing in all the branches of mining and its necessary appendages.

As regards the most elevated but perhaps the least important division of this part of our subject (*instruction supérieure*), it must be remarked, that education being, from its lowest to its highest branches, entirely free in Belgium, it is quite allowable for individuals or societies to establish at their pleasure any sort of academy, from a grammar school to a university. This accounts for four establishments bearing the latter dignified appellation, so disproportioned in number to the extent of the country and the real wants of the upper classes, in a population of little more than four millions. During the Austrian rule, the ancient university of Louvain was justly considered sufficient. This was done away with under the sway of the French, and replaced by simple schools of law and medicine at Brussels alone. William, in his well-meant rage for innovation, created no less than three universities, the professors of which were in the proportion of about half Belgians and half foreigners. Full one third of the latter were Dutchmen, men of learning, but amply imbued with the national heaviness of mind, and not of manners sufficiently conciliatory to endear them to the students; so that on the whole they did more harm by their repulsive pedantry than good by their extensive information. The remainder of the professors were Frenchmen and Germans; the former being clever teachers, but possessing more the lighter qualifications

of the *savoir faire* than the profound acquirements suited to their place; while the Germans were really those who exercised the greatest influence, by spreading a taste for literature and for those attractive speculations which distinguish the learned men of their own country, and the influence of which exists at this moment in the Belgian universities. Two of these, at Ghent and Liege, are properly those of the state, and contain a greater number of professors than did the three established by King William—70 instead of 50. About two years ago the *Université Libre* of Brussels was founded, by a private company, of liberal opinions like that of London; and it was immediately followed by the foundation of another at Louvain, in the opposite, that is to say the Catholic, interest, the priesthood being the chief patrons of the undertaking.

The professorships in the two last-named seminaries are also on a most liberal scale. The majority of the native teachers are young men, following a mixed system of instruction, partly French, partly German, but the ideas of the latter school decidedly predominating. The government has introduced a sprinkling of Frenchmen of considerable talent, who find a serious obstacle to their pupils' instruction in that newly formed feeling of nationality, which is so strongly dashed with dislike of Frenchmen in general (who are vulgarly designated by the grotesque and dishonouring *sobriquet* of *Fransquillons*), by whom they consider the Belgian people to be unjustly and contemptuously undervalued. They on the contrary hold the German masters in high esteem. But they are attached to their countrymen alone; and a persistence in the system of foreign nominations would in the present state of feeling produce most undoubtedly a very pernicious effect.

The power of conferring degrees resides solely in a board which assembles at Brussels, called *Le Jury Central*. It is therefore a tribunal before which the students of all the four universities must appear, for the purpose of claiming their highest honours; and thus the emulation of both teachers and learners is considerably excited. The efforts of the professors are consequently great. Their reputation, their preferment, the existence even of their respective establishments, are at stake. The government contributes with no niggard



hand to forward the great objects of education, when not thwarted by misdirected parliamentary jealousies, as in furnishing the libraries with books and supplying scientific collections.

The existing *curriculum* is broad and comprehensive. Students of law and medicine must possess a fund of accessory knowledge in philosophy and literature. But there is a marked tendency throughout the country, if not to reject entirely, at least considerably to restrict the sphere of classical studies. Several sections of the central jury have already demanded the suppression of Greek in the plan of academical instruction; and it may be safely predicted, without entering into the question of the good or the evil of the innovation, that in Belgium the first serious efforts will be made to banish the acquirement of the dead languages from the circle of studies exacted in public education.

Independent of the various establishments before enumerated, there exists in Belgium a military school, on the plan of the Polytechnic school of Paris, which contains upwards of a hundred cadets, educated with the greatest care at the expense of the state, and not subject to arbitrary expulsions from individual caprice, cupidity, or thirst of patronage. There is also a school for mining, another for civil engineering and manufactures, a veterinary school, and others of minor importance; but all on a scale amply adapted to the extent of the country, and in keeping with the rapid advance of scientific knowledge.

The state of the arts in Belgium is well deserving of much more than this hasty allusion to it in a passing paragraph. The names of Wappers, Verbeekhoeven, and De Keyser, in painting—Geefs in sculpture—De Beriot, Servais, Vieuxtemps, and the Battas, in instrumental music—must, for the present at least, stand instead of the pages of eulogy and high admiration which it was at starting our intention to devote to them.

Many other details, essential to a perfect picture of the country as it is, must be, at any rate, postponed, the more important subjects treated of having already exceeded the space we meant to devote to them. But to those subjects we must again revert, in conclusion of an article which

has imperceptibly grown on us in interest, and run to a length disproportioned to our limits rather than to its own importance.

The readers of our former article on Belgian commercial relations may recollect the stress we laid on the desirableness of a liberal law of transit being adopted by the legislature. While that article was going through the press (June 1836) a law of transit was passing the Chamber of Representatives at Brussels; and one, we are happy to say, excellent in principle, and, except in certain small matters of detail, such as quite satisfies the wishes of the commercial interests of the country. It is however to be lamented that its administration seems to be in the hands of persons actuated rather by the letter of the law itself than by the spirit which guided its framers. There are certain vexatious formalities as to the privileges of the custom-house officers to apply leaden seals, and to open packages *en route*, and others, a good deal complained of by mercantile men; but it is expected that legislative amendments may be introduced to get rid of those grievances without the slightest injury to the revenue. In fact, those trifling defects have at present but a small field to work in, for the transit trade to Germany is at this moment little or nothing. It has suffered more during the last year (1837) than in any of the five preceding years, from the very heavy advance on land carriage, arising from the employment on the rail-road works given to the waggons throughout the districts leading to the Prussian frontiers. But, referring to the promise made by the minister of public works, of transporting goods by the rail-road to Liege, the Antwerp merchants look forward to enjoy even in 1838 a moderate foretaste of the advantages of the German trade, the full benefits of which they reckon on for 1840.

The returns for the last year prove that, with the exception of the coffee trade, every branch of foreign commerce exceeds what it had attained in 1835 and 1836, as well as the averages of 1827, 1828, and 1829 (the years of greatest prosperity during the union with Holland); and this is to be accounted for by the great increase in the home consumption, arising from the steady development of internal prosperity throughout the country, following on increasing means of

production of almost every commodity that can serve as an object of exchange. And this remark applies equally to agricultural as to manufacturing and mining operations. The state of the cotton trade is worthy of particular observation, as the loudest complaints of the enemies of Belgian independence were founded on a pretended falling off in that particular item. Every succeeding year not only belies in the most remarkable manner the sinister predictions of the partisans of "protecting" duties (falsely so called), steadily refused by the government nearly three years ago, but surpasses the expectations of those who judged most favourably of the resources of the Ghent manufacturers. Every year sees an increase in the results of their competition with foreign dealers in the home market. During the severe crisis to which the manufacturers of France and England were exposed in the spring of last year, they felt no inconvenience of a like nature, being always kept in full employ and holding very trifling stocks on hand. Their consumption of the raw material in 1837 was not less than 50,000 bales, being an augmentation on that of all preceding years, fully one-third above the maximum of 1829, and showing a progressive annual extension since 1831. The number of factories now in full activity is seventy, giving employment to between 14,000 and 15,000 persons; and the number of weavers and calico-printers is about the same. The sales are in a very prosperous state. A considerable portion of the goods go to Holland, where the trade is winked at by the government. The coarse cottons of Ghent have nothing to fear in the Dutch market from the rivalry of English skill: and it is admitted that if Belgium could produce fine articles equal to the Swiss and English manufactures, the Belgian consumption alone would be sufficient to give employment to the whole of the Ghent factories.

As regards the trade of Belgium with France, we can only state its general result, by comparison of the year 1835 with 1836. In the former of those years the consumption of Belgian produce by France amounted to 60,000,000*f.*, in 1836 it reached 76,000,000*f.*, as is shown by the *Tableau du Commerce*, an increase of 16,000,000*f.*, while the importations from France remained stationary.



The conclusion of a treaty of commerce between England and Holland is seen with considerable satisfaction by the liberal mercantile men of Belgium, as a stimulant to the government to conclude a similar one, and as a powerful argument against the present supporters of the ill-judged and injurious system of differential duties, the evil effects of which to Belgium we have already exposed. This treaty with Holland is not likely to produce any immediate mischief to Belgian interests; but when the rail-road to Cologne brings them into direct competition with those of Holland, it is clear that without a similar treaty the outward freights from Antwerp and Ostend will be always higher than those of Holland, thus neutralizing in a great degree the advantages presented by the rail-road. There can, therefore, be little doubt but that another year will see the conclusion of such a treaty, for which the English government has been long notoriously anxious, and for which Belgium may after all be indebted to the inveterate rivalry of Holland, which furnishes a stimulant the most quickening to the local apathy of her legislature.

In the existing situation of Belgium we see no cause to apprehend that she will be induced—or rather let us say seduced—to join what is commonly called the Prussian commercial league, but which we have long since incontrovertibly established to be the *Russian* political compact\*. No Belgian minister is now likely so far to mistake the true interests of the country, whose best policy is commercial, as well as political neutrality; granting especial favours to no power; treating all liberally; simplifying her custom-house regulations; facilitating transit by every means consistent with the prevention of smuggling; reducing all charges on shipping fully as low as those of any neighbouring port; and establishing a tariff of consumption-duties on all articles more moderate than the premium paid to smugglers to pass goods over her land frontiers. With such a system, liberally established and firmly persevered in, the future prosperity of Belgium must be such as to outstrip the calculations of her most sanguine well-wishers.

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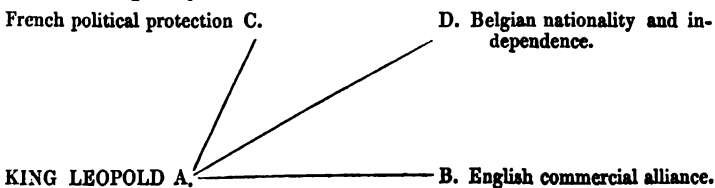
\* See British and Foreign Review, No. II., October 1835.

And such as we have shown it in the foregoing pages is the actual state of the country, as it is presented to us by the concurrent evidence of visible fact and official document. The course it may be destined to run in the career of political independence we shall not presume to foretell. But we must positively deny the conflicting inferences drawn by factions in France and England from the imaginary tendencies, which they have assumed to be the guiding impulses, of a nation whose real feelings and interests they entirely misconceive. We admit, as is stated by those speculators for the basis of their reasoning, that King Leopold may be fairly taken as the type of the national mind. His conduct has had a most extraordinary influence on its newly-formed character. Never could it be more truly said than in reference to him and the people he reigns over,

“ *componitur orbis*

*Regis ad exemplum ;* ”

and therefore, to those who choose to view him as “ a French *prefet* ” or as “ England’s puppet ”—the opposing designations which they bestow on him—Belgium may be suffered to appear as a Gallic province or as a mere *entrepôt* of British trade, while its sovereign may be considered by others to hang, like the coffin of the prophet, between two attractions. But the truth is, that Leopold’s whole policy may be better elucidated on the principle of mechanics called “ compound motion,” namely that which is produced by two or more conspiring powers, whose directions are neither opposite nor coincident ; what is scientifically called the composition of forces ; and this may be illustrated by a simple problem. Suppose a body A is acted upon by a force in the direction AB, while at the same time it is impelled by another force in the direction AC, it will then move in the diagonal direction AD, as the following diagram will clearly explain “ to the meanest capacity ” :



This is the true course of Belgian policy, and we hope it will be pursued under such guidance, steadily and long.

A circumstance, on which great stress has been laid by some of the public writers in Belgium (though from reasons assigned in the early portions of this paper we think it of little consequence), must bring our observations to a close. In the annual speech on the opening of the Dutch Chambers, ever since 1830, King William has invariably introduced the phrase *den Belgischen opstand*, the Belgian insurrection. The States-General in their address to the throne have always, until 1837, repeated the phrase. In that year's address they abstained from noticing the paragraph in the speech from the throne relative to "the evils inflicted on the Netherlands by the Belgian revolt." So that while King William persists in still considering Belgium as a revolted portion of his dominions, the Dutch people, through their representatives, begin to acknowledge it as an independent nation—a distinction of very small importance to Belgium, while all the rest of Europe must admit it to be (allowance made for minor blemishes) the best existing model of a well-organized, well-conducted, and flourishing commonwealth.

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*Postscript.*

Since this article was written, a few months back, every thing has tended to confirm the views expressed in it, both as to the political question and the commercial and manufacturing interests of Belgium. The former is certainly, to say the least, *as far* as ever from its solution; the latter are in a state of rapid progression. The month of August has been distinguished by two events of considerable prospective importance to the country, viz. the opening of the whole line of rail-road from Ostend to Brussels, and the execution of a treaty of commerce between Belgium and the Ottoman Porte. The commercial returns for the year 1837 have given additional evidence of the many resources enjoyed by the country,



and of the satisfactory prospects for the future\*. Some faults have however been attempted, rather than committed, by a body of the national representatives, energetic in error, in their isolated zeal for local and individual advantage. These attempts have been, in most instances, baffled by the more enlightened spirit which guides the executive and the majority of the legislature; and it is probable that the general tariff of import duties on foreign produce will undergo a revision before the end of this year in a sense most favourable to the principles which regulate the present government. A remarkable proof of the sincerity of those principles is offered in the system pursued by M. Nothomb, the Minister of Public Works, relative to the rail-roads. Instead of taking advantage of their establishment to inflict a high rate of payment on travellers, the rate of charges is fixed on the lowest possible scale of remuneration; the transport of merchandise is made an object of far less importance than the encouragement given to travelling; the great object of civilization in creating quick and frequent intercourse between the Belgian people and their neighbours being considered paramount to the realization of pecuniary profits.

The purely commercial movements of the present year have continued to establish the progressive state of improvement which, without any inspiration of prophecy, we predicted two years back, as the natural consequence of the system then brought into play. One branch of trade, that in raw and clayed sugars, forms an exception to this remark; the sale of refined goods being now much interfered with, by the protection given to the culture of beet-root, with the view to its being employed by the refiners; the produce being forcedly destined for home consumption, as on the export no drawback (operating as a bounty which favours the export of refined sugars made from colonial produce) is allowed by government. The consequence is, that beet-root sugar is gradually

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\* The returns of rail-road travelling in Belgium for this month of August 1838, give a total of 259,086 travellers, and 409,679 francs of receipts.

Shipping returns of arrivals in the port of Antwerp for the three last years.					
	Foreign.	Belgium.	Total.		Tonnage.
1835 .....	939 .....	250 .....	1189 .....		153,243.
1836 .....	959 .....	286 .....	1245 .....		176,079.
1837 .....	1073 .....	353 .....	1426 .....		225,030.
	<u>2971</u>	<u>889</u>	<u>3860</u>		

replacing foreign in the home market, as the returns of the import trade at Antwerp and Ostend will amply prove. The policy which has led to this result is of course considered as very questionable by the mercantile houses in those towns; and it must at best be looked on as an experiment, the success or failure of which a very little time will be sufficient to test. But the question it involves is of small importance in comparison to another, arising from the quantity of capital in the country, and the prodigious stimulus lately given to every kind of commercial speculation. We allude to the facility allowed by the government during the last three years, for the establishment of "*Sociétés Anonymes*," under which title a swarm of joint-stock companies have sprung up for almost every ostensible purpose of trade, but in many instances, like similar undertakings in this country, for the mere promotion of *agiotage*,—that expressive word for describing the shifts and tricks of stock-exchange manœuvring. The operations of such associations are admirably adapted—when they are *bond fide* establishments for industrial objects—for working coal or iron mines, making canals, or engaging in some pursuit, such as the whale-fishery, which requires a larger capital than individuals are able or willing to risk; but when placed in direct competition with private enterprise, they unquestionably do great mischief to the general interests of trade, and are seldom attended with any solid or legitimate success. One flagrant instance of the contrary has lately given a salutary warning to the government and the country, in the fate of the branch of the "*Société du Commerce*" of Brussels, which was about two years ago established at Antwerp. It was professedly formed for the purpose of assisting the manufacturers of Belgium in finding or forcing new issues for their goods. As soon as it was organized, its members commenced a system of wholesale competition with all the merchants and agents of the place, as exporters, importers, and commission agents, to all parts of the world. Within two years of its creation, that is to say, on the 31st of last December, the directors acknowledged to a loss of 900,000*fr.*, and it is expected that the final liquidation will establish a total loss of 1,500,000*fr.* In spite of this example, so recent and so discouraging, a successor to the defunct society has, in the course of this summer, been got up at Antwerp, under the special patronage of the

Bank of Belgium, with a capital of 12,000,000*f.*, and armed with explicit authority to undertake every branch of commerce the directors may think proper to engage in. No very favourable issue is likely to result from the operations of this body, while they do much to check the enterprise of private individuals; for few merchants will be found to hazard their fortune in a competition with men who speculate with either a fictitious capital, or the funds of others. But blemishes like those we have pointed out, in the general system of the government in matters of trade, are only to be viewed as the effect of an exuberance of capital, and a consequent necessity for experiment and speculation throughout the monied interests of the country.

In one concluding word, all that Belgium wants or wishes, either for her own well-being or the peace of Europe, is—*to be let alone*. Like all newly-organized countries, she requires repose. But her prosperity is a thorn in the side of the king of Holland; the despotic powers are too ready to aid his efforts to disturb it; the Germanic confederation looks on in a jealous and uncertain neutrality; France gives a powerful but scarcely a cordial support, from considerations of policy, not from feelings of regard. It is England, above all the countries of the world, that is most deeply interested in the maintenance of Belgian independence, that reaps the surest and safest benefit from her prosperity, and would be the greatest sufferer in the now almost impossible event of her fall.

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#### ARTICLE V.

*Letters on Paraguay; comprising an account of a Four Years' Residence in that Republic, under the Government of the Dictator Francia.* By J. P. and W. P. ROBERTSON. 2 vols. post 8vo. with plates and a map. London: Murray, 1838.

It has been our ill fortune, during a short career, to have to pour out the vials of our indignation upon no class more bountifully than upon our tourists and travellers. We have fallen foul of lords and ladies, men and women, and those who were neither lords nor ladies, nor men nor women, but sheer



coxcombs. Yet it neither lies in the nature of our predilections nor of our business to treat the meritorious class of hurriers to and fro with disrespect. We claim all matters of interest, both at home and abroad, as belonging to our jurisdiction. Our feelings are British and Foreign, and we pay our tribute of gratitude to those who can enlighten us as to the progress of our race in lands removed by distance from our own immediate observation, with peculiar pleasure. That we have not been oftener able to acknowledge with satisfaction the works of our contemporaries in this field, is, we humbly beg to submit, no fault of ours.

We are not ignorant that travelling to any profitable purpose is a very difficult matter. Severe experience has forced this truth upon us. For a single book containing anything beyond the crude speculations and vapid generalities taken from home, to be brought back and retailed for the home-market, we have to wade through whole libraries of volumes whose dulness heavily impresses upon us the value of Coleridge's remarks upon the "duty of staying at home."

We shall not dilate upon the mischief done by the mass of gossiping ladies and gentlemen of the class described. It is one of the plagues of this civilized age of ours, that we read for amusement, and judge and act upon what we read seriously. The *very clever* young men, whom the attainment of their university degree sends out in full-blown honours to take bird's-eye views of other lands and other states of society than their own, especially if they have the good fortune to be men of family, are the misleaders of society in some of its most essential interests. Grave men and gay men, members of parliament, lawyers, legislators, hereditary or elective, prepare themselves for a rare debate on our "foreign policy" and our commercial well-being, by cramming from Miss A, Mrs. B, or the Hon. Mr. C's sketches, glimpses, remembrances or romances of travel! And as Miss A, &c. know nothing whatever about the matter, the grave men and the gay men and society at large know somewhat less than nothing; and the vast interests of foreign policy and commerce are treated in a manner which is only saved from being supremely ludicrous by being supremely alarming. In the dealings between foreign states, more than in any other circumstances, knowledge is power; the knowledge namely of the aims, objects,

intentions and feelings, the institutions, temper, habits, and capabilities of those who in the great game of politics may be your rivals or adversaries. But "Gallio careth for none of these things," and he is consequently overreached, out-diplomatized, threatened by turns and cajoled, and universally laughed at by all his neighbours, who get their information, their knowledge, and their power from something better than "Sketches". To be sure he has his consolations; he is wrapt up in a happy ignorance of the character he bears among his neighbours, and he keeps his incompetent or treacherous foreign minister! Compared with this, of course all is trifling; and after all he merely loses his national honour and influence and much of his commerce. *Nugæ canoræ!* Trifles about which a good deal of noise has been made in the world at different times, but which are now obviously no longer worth looking after!

It is therefore with a pleasure proportionate to its rarity, that we find ourselves called upon to recommend to our readers the little work which stands at the head of this article. Under the unpretending title of *Letters on Paraguay* it contains many shrewd remarks upon men and manners, upon society and politics, and affords some information not readily accessible from other sources, but which will serve to throw light upon the history of the South American republics; that new world which Mr. Canning boasted of having called into existence "to redress the balance of the old," but whose present state and condition give amusing evidence of the futility of such predictions. Ridiculous, however, as the efforts and struggles of these little states appear to those who are accustomed to measure everything by the exaggerated scale of European civilization, the record of their good and evil is not without its value. It is the record of one page in man's history, and therefore it is full of matter interesting to his race:

"Homo sum: nihil humani a me alienum puto!"

Whether under the Pole or under the Line, amongst the snows of Nova Zembla, or beneath the sun of the Tropics, man offers lessons to man, based on a common nature, and available for a common experience. We do not, indeed, forbear to smile when the immortal glory and imperishable va-

lour of a couple of Spanish regiments are lauded by a Spanish colonel, their commander; an *ordre du jour* of a South American general may remind one of the marching and countermarching in the Mayor of Garratt: yet after all, battles which numbered a thousand *hoplites* on either side have decided some of the weightiest problems in the progressive development of human nature; and the gravest as well as the most brilliant lessons of civilization went forth from states not much greater in territorial extent than an English county! The ruler of a petty principality bent round his ducal bonnet the crown of the Anglo-saxon kings, and in so doing founded an empire which not only rules over a hundred millions of subjects, but whose tongue is spoken over a full third of the habitable globe. Are little beginnings then necessarily ridiculous? Certainly—in the eyes of little men.

It is therefore not because states are little that they are ridiculous; but because, being little, they ape the fantastic follies and exaggerated absurdities of greater states. On the other hand, their size renders them not inconvenient fields for the trial of political experiments; not indeed on the principle of *fiat experimentum in corpore vili*, but because the resources are generally more within command in such states than in those which lapse of time and continued motion has rounded and made solid.

Politics are not the object of the work under notice; yet there are some details vividly described, and some series of events shortly but clearly conceived and stated; and these form a very fitting preparation for the delineations of men and manners which are to follow. On this account we shall advert to them slightly, before we pass on to the more amusing pictures of a life in the far West, draped in the motley mixture of European civilization and aboriginal barbarity.

How Spain gained her colonies is well known: in burning letters, upon her imperishable page, History has inscribed the names of a few bold men who founded the proud boast, that within the limits of the Spanish empire the sun never set: they remain to give mankind a worthy lesson of what may be accomplished by prudence, courage, and indomitable will. But the philanthropist will lament that the union of these wide lands to Spain did not produce to either party the hap-



piness which might have justified the acquisition. How Spain lost her colonies is less known : yet the painful history of her decline and fall, of which this loss was the consummation, is one of the profoundest lessons which have been vouchsafed to man. What the conduct of individuals gained, the misconduct of the state had power to lose ; and the keeping a whole people in ignorance, in order to keep them in subjection, was a fatal policy, which sowed the seeds of ruin not less at home than beyond the Pacific. There are states in Europe, and classes in society, that would repeat the same fatal experiment : let them beware of the consequences !—above all, let them remember the lesson which all history teaches, that there is less danger in the changes which the increased enlightenment of the masses renders necessary, than in the furious outbreak of their passions when enlightenment has been refused them. Only reduce your fellow-creatures to the level of the brutes, and your fitting and appropriate punishment will be, that they, like brutes, will turn and rend you, as soon as hunger or suffering become too strong for *mere prudence* to keep in check.

The following remarks upon the colonial policy of Spain are strictly just, and will serve to show the weakness of the administration established by the mother country, and which yielded at once to the first pressure.

“ But though this is one cause of the slow progress made by the South Americans towards anything like stability in their political institutions, and of the comparatively little benefit hitherto derived by them from their Revolution, yet it must be confessed that there is another cause, which lies deeper, and operates much more perniciously than the one already assigned ; and to this second cause we are unwillingly constrained to trace, not only many of their miscarriages in political matters, but, what is still more to be lamented, many of their aberrations in those of principle. This cause is to be found, not only in the gross ignorance in which it was ever the policy of Spain to educate her colonial subjects, but in the idle and vicious courses in which, if they were not openly encouraged, the better classes of Creole youth were certainly never greatly checked by their European parents.

“ With those who consider, indeed, what was the policy of Old Spain with her colonies,—how great her jealousy lest they should outgrow her means of control,—how vigilant the system of political espionage with which she watched them,—how sordid, low, and limited was the education she permitted them,—and how pernicious were at once the example

and control of a great proportion of the friars with which every part of her territory teemed ;—the wonder is not that the present inhabitants should still exhibit so many traits of the vicious system entailed on them by Spain, but that Europeans should have calculated so credulously on their possessing those public principles and virtues which were wholly incompatible with their course of colonial training.”—Vol. i. p. 7.

“In order properly to connect this state of things with its primary causes, it will be necessary, just for a moment, to glance at the state of Old Spain, about the time of the invasion of that country by Bonaparte. That was also the time at which the first symptoms of revolutionary feeling became observable in South America.

“The degradation and poverty into which the Spanish nation had then sunk, are too well known to require any elucidation here. An imbecile king,—a traitorous Prince of Peace,—a corrupt nobility,—a powerful, bigoted, and tyrannical priesthood,—the middling classes of the inhabitants without either education or patriotism,—an exhausted revenue,—a miserable army,—and an annihilated navy,—with, as the only respectable feature of national affairs, a noble peasantry ;—such were the shattered elements of which the Spanish monarchy was composed.

“This state of things, we know, was the result of long national grievance and misrule : and, if we consider the tendency there is in all delegated governments to become worse, in proportion as they are thrown at a distance from the centre of authority, we may form some estimate, from what we know the Spanish monarchy to have been, of what her viceroyal monarchies in miniature in the New World, at a distance of from five to ten thousand miles, *must* have been.

“South America, while dependent on the mother country, was under the rule of viceroys and captains-general, whose sway was almost regal. Next to them in power, as an intermediate link between them and the people, in civil and criminal affairs, were the audiencias, or supreme courts of justice ; and lastly, there was the cabildo, a municipal body corresponding, in some measure, to our institution of mayor and aldermen.

“Under the particular instruction of the Spanish cabinet, and with the laws of the Indies as an ostensible code, did the viceroy, and those subordinate to him, conduct the affairs of the Spanish colonies.

“The instructions given to the viceroy by the Spanish court, however, —from distance,—from the general system of Spanish mal-administration, —and from the difficulty of establishing any practical responsibility of office,—became nearly a dead letter. To this they invariably turned whenever it was the viceroy’s interest to render them so ; which it generally was, when they had for their object the amelioration of the country over which he presided, and of which the effectual misrule was his positive gain.

“The laws of the Indies, though framed in many respects with a humane tendency, and liberal policy, were seldom carried into effect, and almost never for the benefit of the community. Spain in her poverty was a continual drain upon the colonies ; and all the revenue that could be raised

from them on the plan of a jealous and restricted commercial policy, was ever urgently called for by the mother country. So much only was kept back as was necessary to defray the expenses of the local government, and satisfy the demands of a corrupt and rapacious colonial administration. In proportion as the exigencies of Spain increased, a still greater relaxation in the government of the colonies took place. More supplies were wanted by the mother country, in consequence of the growing expense to which she was put by the French invasion. Smaller sums were remitted from America, on the allegation of symptoms of discontent in the colonies. It was alleged that these required to be awed into silence by additional force, and of course additional expense. The force was not provided; but the supplies stated to be necessary for its payment were withheld from Spain. From the weakness to which Spain was reduced by foreign invasion and domestic strife, and from a relaxation of the control which she exercised over her colonies, these latter began to consider whether they might not legally assert, and, *vi et armis*, maintain the same rights to govern, by juntas, their own affairs, which some of the provinces of Spain had assumed in the government of theirs. On looking around them, in towns which were the seats of a viceroy or president, the Creoles saw him supported, at the most, by half-a-dozen regiments of ill-disciplined infantry; by a slight train of artillery; and by a squadron or two of cavalry. Many of the officers, and even some of the commanders, of these troops were natives; they were encompassed by a population, of which the proportion to themselves of old Spaniards was not as one to twenty; they knew that the greater part of the militia of the country was made up of American-born subjects; that most of the provincial towns, though commanded by military chiefs from old Spain, were garrisoned by native troops; and that the parent state, under her present difficulties, could do little or nothing against them in the way of invasion.

"Upon these observed matters of fact, and upon the plausible ground of legal right to follow the example of self-government set by the juntas of Spain, did the South Americans commence their Revolution."—Vol. i. p. 19.

A single anecdote will sometimes characterize a system as well as a long description; and in order to show how loosely the royal officers both could and did act in South America, we borrow a short story from our authors.

"The following anecdote, communicated by the officer who was the subject of it, may serve to illustrate at once the facility complained of, and the good nature admired, in General Liniers. Lieut. Gonzalez had distinguished himself in the defence of Buenos Ayres, against the English, and went accordingly to Liniers to lay before him his claim to promotion. It was at once admitted, and orders were given, in the lieutenant's presence, to promote him to the rank of captain. 'Sir,' said the officer, 'you have fulfilled my most sanguine expectations, and laid me under an obligation to you, which I trust I shall ever bear in grateful remembrance.



But, alas! I am not in a condition to accept the rank you have conferred on me.'

" 'How so?' asked the viceroy, somewhat surprised. 'Indeed, Sir,' replied Gonzalez, 'to be candid with your Excellency, I have not money enough to buy the two epaulettes and lace necessary to equip me as a captain.'

" 'Well,' said General Liniers, 'that is rather unfortunate, particularly as I am myself too poor to help you. But do you think you could contrive to purchase a *lieutenant-colonel's* uniform?' 'Oh, that I could, your Excellency,' replied the half-doubting and astonished man. 'Well then,' said the viceroy, 'you shall be a lieutenant-colonel, instead of a captain.'

" It may be necessary to remark that the uniform in the Spanish service gets plainer and less costly as the officer advances in rank; and that while a captain has two gaudy epaulettes, and a great superfluity of lace on his coat, the only badge by which a lieutenant-colonel is distinguished consists in a couple of very narrow stripes of gold lace, on his coat-sleeve. This will account for the manner in which General Liniers at once met the poverty, and increased the rank of an indigent, but meritorious officer."—Vol. i. p. 32.

The Spanish government had prepared the revolutions by which they lost all their authority in the colonies: it was owing to their contemptible weakness that they lost little else. They were not capable of making resistance enough to exasperate their conquerors; and a revolution which tore away from old Spain the whole of her American possessions cost perhaps fewer lives than a month's partisan warfare in Navarre or Catalonia. Something of this lies, no doubt, in the national character: the Spaniard is cruel; the South American is not, at least as a general rule. On the other hand, the Spaniard appears to hold life very cheap; he yields it almost as readily as he takes it; this the South American does not.

But this very weakness of the enemy against whom they had to contend was perhaps the greatest misfortune that befell the *Patriotas*. Nations, like individuals, can gain nothing without labour, struggles and sacrifices; and it is labour and sacrifices alone that make men worthy of what they have struggled for, or wise in its enjoyment. Independence cost the South Americans so little that they hardly know what it is; and they went in general from king Log to king Stork without resistance, almost without consciousness or anxiety. The very dispersion of the action, the isolated struggles that were to be carried on with insignificant opponents on a

hundred different points, necessarily tended to check the rise of a national feeling, and a combined and vigorous reconstruction of institutions; while at the same time it brought a multitude of *Cabecillas* or petty chieftains into the field, whose services were much upon a par, and who used their armies of 800 or 1000 men to dispute with one another the supremacy of the countries they had liberated.

When a colony separates from the mother country to set up the banner of its own independence, the mother country always suffers,—the colony often. In the case of the South American republics perhaps this did not take place. In spite of all that has resulted from misgovernment and internal dissensions, it is hardly possible to deny that they have bettered their condition by the separation. Indeed they could hardly have changed for the worse; and after all, a temporary fever is much less dangerous than a confirmed atrophy. On this point our authors have some observations which we think just.

“It may be asked, and, after what we have said in our last letter, it naturally *will* be asked, were the declarations of independence, then, made by the late Spanish provinces, premature?

“In reply to this question, it may be stated, that if by ‘premature’ be meant *premature in respect of their moral and political capacity to govern their vast country on sound principles of political economy*, their declarations of independence certainly appear to involve this charge; for it is matter of notoriety, that they are, after more than twenty-five years of revolution, very little advanced in the science of government, and nearly as far removed now as they ever were from political stability.

“But if by ‘premature’ be meant only premature in respect of their *physical capacity to maintain the independence which they at first achieved*, then it is certain that their revolution was *not* premature; for they have preserved free from all external control, the country they wrested from the hands of Old Spain, till the latter is now reluctantly forced upon a consideration of the expediency of recognising the independence of her late colonies, and no longer dreams of ever repossessing herself of them.

“Can it be alleged that upon the whole, then, they have been losers, rather than gainers by their Revolution? We think quite the reverse.

“For one ship that entered their deserted ports, under the colonial restrictions, twenty now sail into them from all quarters of the globe. For one newspaper then published, there are now in circulation four or five. Books of every kind are imported. Foreigners freely take up their abode in the country. Better houses, better furniture, are seen everywhere. The natives, guided by the example of foreigners, live not only better than



before, but have acquired habits of greatly-increased domestic comfort and convenience. In two or three of the republics, the Protestant religion is tolerated. The undue influence of the priests, if not entirely undermined, is in many places greatly diminished, and in some nearly overthrown. The authority of the pope is not only practically disavowed, but a legate, sent some time ago from Rome to Chile, met with a very cold reception, and with an order for his almost instantaneous return to that Italy from whence he came. In these, and in many other respects, the Americans have gained by their Revolution. They have gained, too, as a consequence of it, in their trade, and pecuniary transactions with England: for, to say nothing of the large sums received by them in loans, for working of mines, &c., for which little or nothing has been as yet returned; we very much question whether the merchandize sent to South America has, on the whole, produced to the shippers of it from this country, an adequate profit; while it is incontestable that a greatly-increased export trade, at much enhanced prices, has augmented in all parts of Spanish America the capital and means of its inhabitants.

"What may, however, be truly said of the South Americans is, that they have not only failed to derive the benefit to have been expected from their Revolution, under rectitude and prudence of conduct, but that they have obstructed such benefit by protracted civil commotions on the one hand, and by a want of capacity, and sometimes, unfortunately, of integrity, in the public administration of their affairs, on the other.

"Hence a check to the influx of foreign population, and to the increase of their own; hence agriculture has languished, and commerce been shackled by improvident laws; and hence smuggling, that fertile source of evil, while it has worked out all its demoralizing effects, has at the same time greatly diminished the revenue. Hence also education has been neglected, and the vices springing from ignorance left unchecked; hence factions have been multiplied, and Justice herself has not always been able to resist the influence of political excitement, and the temptations to individual venality. Hence, in short, a narrow foreign policy, and an unhappy domestic one, have too much pervaded the different states of the ex-colonial possessions of Spain.

"In the midst of all this, the theory of republican independence, of civil and judicial rectitude, has been always upheld; and a legislative perfection, unattained by the oldest states, has been constantly aimed at by these infant communities. Yet, while the title of viceroy has been changed for that of president; while royal audiencias (or courts) have been superseded by senates; while cabildos have given way to justices of the peace, and a council of state to a provincial assembly; we could wish that the nature of the offices had been as effectually changed as the name; for it is to be feared that in many of their features they still too much resemble the offices under the old Spanish régime. It is pleasing, however, to know and to record, that an amelioration, to a greater or less extent, has taken place in the political institutions of all the new republics: nor, considering the disadvantages under which they have laboured, could it fairly be ex-



pected that such amelioration should have been either rapidly or extensively developed."—Vol. i. p. 15.

There were, however, in the case of the colonists several reasons besides those above mentioned, which rendered it unlikely that they should establish firm and wise institutions. In the first place, there was that most fatal of all plagues, a half-caste population, either despised and neglected, or educated in a luxurious profligacy; in either case unaccustomed to self-government, and the exercise of those vigorous duties which alone can teach a people how to act when they become their own masters. Then there both was and is a laxity of morals among the gentler part of the population, which is at once the surest sign and most influential cause of national decay. Warm as their Spanish progenitors, yielding and gentle as the Indian mothers from whom they sprung, the Creole ladies united the charms of a perfect *physique* to qualities which rendered them fitter for the part of the Odalisque or *ἐραλπη*, than that of wife and mother in a republic, whose very existence depended upon the stern virtue of its citizens: for when the representatives and statesmen of a nation are voluptuaries, general lovers and bad husbands, or when the ladies, especially of the higher classes, are anxious to loosen the marriage tie, or careless of its maintenance, then a nation is in greater danger than if it had eight hundred millions sterling of debt, and the Calmucks were already battering the gates of the Dardanelles!

Again, at the period when the colonists threw off the power of Spain they had but little commerce, a scanty population, and few means of national wealth or strength. English capital had not yet been lavished on a land which diplomatical speculators and speculating diplomates were pleased to paint as "a land flowing with milk and honey;" nor had Mr. Canning's amiable Quixotism yet conceived the dazzling scheme of redressing the balance of the old world, by calling into existence a dozen little nests of diplomatical intrigue, every one of which is at this moment complicating the "balance" in the most serious manner. Take all these things into consideration, and how can we wonder if the result of the separation has not been as favourable as it might otherwise have been? Whatever England has suffered by the loss

of her American colonies, (and Spain has not suffered more,) at least the colonists of the North have had a happier lot than those of the South. Undoubtedly the difference in the population was immense; some of the best blood of England arrayed itself there against the tyranny of England; the descendants of some of the stoutest hearts that ever beat, fought in America for the freedom which their great forefathers had fought for in the old country; and when the storm had passed away, these men were the citizens of the new state; Englishmen in language, religion, manners, laws and traditions,—Americans through the accident that placed them a few days further toward the west than ourselves.

In South America, as in every place when a half-caste population takes part in a revolution, no such amalgamation of classes was possible: after the victory was gained, the former rulers became trampled on in turn; and if the following description be accurate, they were never of a character from which much of great or good was to be expected.

“In order the better to appreciate the difficulties under which they have laboured in this respect, and to ascertain the causes which have operated to retard, up to the present moment, the establishment among them of anything like settled or free governments, in an Englishman’s acceptance of the phrase, it will be necessary to give some account of the course of education to which Old Spain limited the inhabitants of her colonies, and of the moral and religious state of society which grew out of it.

“In the first place, it is to be observed, that those who emigrated from Old Spain to settle in the colonies, were generally men of neither family, fortune, nor education at home. Storekeepers from Galicia, small merchants and publicans from Cataluna, clerks and attorneys from Biscay, and sailors, drudges, and mechanics from Andalusia, made up the mass of the old Spanish population. It was only the Viceroy, his staff, and more immediate dependents, the members of the audiencia, or judges, the employés of the public offices, and officers of the navy, who had any pretensions either to gentlemanlike deportment or tolerable education. Liberality of feeling, extension of view, or anything approaching to philosophic and enlightened principle, not having been taught, even to their betters, in their own country, could not be imported by them into the new one they adopted. All the natives of Old Spain were emphatically and indiscriminately denominated by the South Americans, ‘Godos,’ or ‘Goths.’

“There was another class of inhabitants not to be found in Buenos Ayres, but abundant in Chile and Peru, descended from the early settlers, and who had lofty pretensions to birth. Many of them were furnished with titles of nobility. This class, however, had no better claims either to manners or education than their neighbours. A long course of living

*à son gré* ; of indulging in all the loose habits which such a climate very often generates ; and of falling into a disregard of such outward decorum and family observances, as involved the slightest personal inconvenience, caused the dignity of the nobleman to yield to the ease of the plebeian ; till at last the only traces of the origin of the marquess and the count were to be found in the gilt wheels of their cumbrous carriages, or the uncouth griffins and lions rampant, carved in wood and daubed with paint, over the gateways of their mansions.

" We have had the honour of dining with some of these noblemen ; and we have seen them sit down to dinner with their shirt-sleeves rolled up to their elbows ; their shirt-collars arranged purely for the convenience of free breathing ; the females of the house attired in their morning *deshabille* ; and the party attended by black slaves, clothed with the same happy and unceremonious reference to ease and comfort.

" Two female slaves, with towels over their shoulders, carried large silver basins round the table after dinner, for the necessary purpose of ablution. The luxury of finger glasses had not yet superseded in Lima this more primitive mode, at once of washing hands, and evincing family concord. After this, taking from a glass a small wooden toothpick, with elbows on the table, and in all the familiarity of *chit-chat*, listless, a little, and monotonous, the party began to pick their teeth. Drowsiness at length was indicated by many a nod ; and, under the increasing heat of the day, the hour of the *siesta* was proclaimed with many a yawn. The whole party, by common consent, then walked off, each to their respective chambers, where, darkening the room, and still further disencumbering the body of every superfluous appendage, they sank into all the luxury of the *siesta*, or two hours' nap after dinner.

" Hereditary title and distinction have been lost in the Revolution ; and the nobleman has fallen back into the ranks of the commonalty."—Vol. i. p. 41.

Such elements as these promise little : education, were the name even not a mockery in Spain, could hardly have done anything to co-ordinate their discord. But miserable as education in Spain itself is, it was by many degrees worse in the colonies. A few universities and schools, founded by the Jesuits, and managed by the priests or friars of various orders, existed for the formation of lawyers and theologians, i. e. as lawyers and theologians are in Spain. It is probable, however, that, as in Spain, the voluntary study of the active-minded and more energetic of the young was principally bestowed upon the books prohibited by the Inquisition ; especially the infidel, revolutionary and erotic works with which the French spirit of unrest had then flooded the continent of Europe. This was certainly the case in the old country at



the time ; and unless we greatly err, both the old country and the colonies are at this very moment smarting for it. Our authors give the following account of the South American universities :—

“The branches taught were Literas Humaniores,—the theology of the Roman Catholic church,—the philosophy of the schools,—logic, upon the strictest models of syllogistic precision,—the code of Roman law, with all the minutiae of Spanish jurisprudence. The universities only professed, in fact, to make theologians and lawyers. The profession of medicine was in the hands of here and there a better sort of quack from Old Spain, who mounted on his mule, with a peak saddle and silver bridle, looked down with disdain upon the crowd of mulatto practitioners, who drew teeth, let blood and dealt in simples. Surgery was almost unknown ; and the sciences of chemistry, mathematics, and natural philosophy, as taught in these enlightened days, were altogether proscribed. They were considered not as useless merely, but as dangerous to the state. Not content with having its subjects thus closely pent up within the confines of ignorance and superstition, the court readily concurred with the inquisition in framing progressively enlarged lists, which it was ever issuing, of prohibited books. Locke, Milton, Montesquieu, and all their heretical followers, it is well known, were included in those lists ; so that knowledge, even with all the allay of the schools, and all the trash of councils, was literally weighed out to the Americans in grains and scruples.”—Vol. i. p. 45.

“The lawyers certainly returned to their homes, from the university, a better and less ignorant class of men than the clergy. Yet law is nowhere in the world, perhaps,—not even in our own court of chancery,—a less tangible means of deciding a difficulty with justice and despatch, than in Buenos Ayres,—or in South America generally. A law plea there is a sort of *ignis fatuus*, which, if obstinately pursued, is sure to lead all who follow it up,—the gainer, as well as the loser,—into the quagmire of ruin at last. It may be otherwise, indeed, if one of the parties can, at an early stage of the question, effectually buy justice ; but even then, he gains just so much as the amount contended for, less the sum expended in the way of bribery and corruption. Justice in South America is sadly tainted with venality, and the amount of *douceur* to a judge, or to an advocate of the opposing party, is so nicely measured by the nature of the case, and of the sum at issue, that a man's gain is rather what he does not lose, by following up the plea, than what it profits him to bring it to even a successful termination.

“Honest judges and advocates there certainly are ; and in many causes of which we know, the pleadings have not been less acute and eloquent, than the judgments characterized by legal knowledge and precision. At the same time, it not unfrequently happens, when the intentions of the judge are really good, that he is sorely puzzled, from the habits acquired at the university of making the same case out to be logically right and

logically wrong, how to give legal effect to a righteous judgment. Sometimes, too, you find on the part of the judge, a continued, though probably unconscious, mental reservation, in favour of the fortune and the rank of a party litigant. Or there is a bias towards him on account of personal friendship. The mind of the judge is thus swayed against the reasoning, and his eyes are turned from the facts and justice of the case; till at length he is furnished with zealous sophistry, in support of a decision against both fact and law.

"There is a commercial tribunal, or court, in the country, called the Consulado, over which a prior and two consuls,—or associates,—preside, for the trial of cases connected with trade and commerce. This is decidedly a respectable, as well as a valuable institution. Its decisions are often given on a *procès verbal*; though it also decides upon cases conducted in writing, and extending to a great length, as in the courts of Scotland.

"The judges of the Consulado are elected annually, and in general from among the body of merchants. They are, on the whole, the best-informed and most respectable members of the mercantile class.

"Unfortunately it is an inferior court; and its decisions, founded on common sense and equity, may be, and often are, reversed in the higher tribunals."—Vol. i. p. 51.

When it is borne in mind that the legislators, statesmen and despots of the new Republics consisted mainly of soldiers of fortune, clergymen and lawyers, educated under such auspices, we really may be excused for marvelling, not that the experiment has been a failure, but that it has not been a much greater one. We take leave of our authors' introductory letters here; they are full of interesting reflections and statements; and our readers will do well to consult them, if they desire to learn what the South American colonies were, and why the South American republics are what they are. But we wish to pass on to the lively pictures of manners which these books present, and which are as amusing as they are full of interest and instruction.

We think it right to premise, that though thrown into the form of letters, and founded upon letters written during the residence of the authors in Paraguay, these volumes are the deliberate and revised production of a later period. Yet the descriptions are full of animation, the reflections natural and just, the style polished and sparkling, with the least tinge in the world of *purism*. According to their own account, our authors are two brothers, Scotchmen, whom the spirit of mercantile adventure led to settle in Paraguay, before Francia's usurpation of supreme power there; and, if we rightly under-

stand a hint given in the book, who left that country in consequence of some personal quarrel with the tyrannical dictator. Mercantile pursuits in old and settled countries are apt to degenerate into routine, and more or less to narrow the minds of those who engage in them. Not so in new, unsettled and half-savage lands ; there they partake of the spirit of personal adventure ; the merchant there is one of the pioneers of civilization ; he has new soil to break up, new wants to create, new feelings to deal with. Moreover, he must himself take an active part in many details of business, which in old countries either do not exist at all, or are quietly managed by subordinate agents. He must ride on his own affairs, arm his own ships and convoy his own cargoes ; in short *payer de sa personne*, on all occasions of difficulty and danger. Hence the romantic character of some of the adventures described in these volumes. Moreover, by becoming the channel of news, and the medium of communication with more advanced societies, he is in some sort a centre of civilization, and exercises influence as much through his personal position and character as through his wealth. Hence he is the confidant of parties, the counsellor of governments, and the mediator between contending factions. To this we owe some of the interesting details which these volumes furnish of Francia's government, or rather autocracy in Paraguay. We are glad to be able to quote the assurance of witnesses so eminently entitled to credit, that the character of foreign merchants, especially of our own countrymen, is properly appreciated in the South American States :—

“It is well worthy of remark, with reference to the settlement of foreigners in South America, that during the whole course of revolution, disturbance, and insecurity, by which the inhabitants themselves have been agitated, and the fortunes of so many of them ruined, there has yet been a general deference shown to the persons and property, not of British subjects only, but of those of every other nation. Englishmen, from a variety of causes, take, *as* foreigners, decidedly the lead in South America.

“The natives are a frank and warm-hearted people ; and the blunt manners and honest principles of John Bull have always had charms for them. They commingle as if of one nation. The English have never taken any farther part in the political dissensions of the country than that of affording, indiscriminately, an asylum to the chiefs and adherents of all sides, when in personal danger ; and this even-handed humanity has won much upon the inhabitants at large. The English have been longest in the



country ; their numbers preponderate over those of other foreigners ; and their trade is by far the most extensive and advantageous which the natives enjoy.

“The British residents are respected generally for the integrity of their dealings. They have extensive mercantile transactions with the Creoles ; many Englishmen have married native women ; and being now recognised as the subjects of a nation with which treaties of commerce have been entered into, and by which representatives are kept at the different seats of government, they have all the freedom and protection necessary for the management of their affairs.

“They are of course liable to be affected by some of the unwise, and often arbitrary regulations bearing upon the inhabitants of the country at large, in matters of trade and commerce ; and these regulations are frequently prejudicial to foreign interests, because framed upon views of expediency, upon want of sound principle, or upon very dubious and short-sighted policy.

“But as long experience has now taught foreigners that these are evils inseparable from the very nature of the yet unsettled condition, and vacillating institutions of a new country like South America ; as they may readily infer, from the past, what is likely, for a length of time, to occur in future ; those who form establishments there, of course do so with a full knowledge of both sides of the question. Anomalous and unwise enactments affecting the whole community, native and foreign, are, in all parts of the continent, of still frequent occurrence ; but there can be no doubt that every year's free intercourse with other nations will tend to diminish these and other abuses, and to augment the permanent benefits held out by South America to British enterprise.”—Vol. i. p. 85.

We do not intend to follow our authors through the whole narrative of their settlement in Paraguay, which took place at different times. A slight sketch must suffice of the adventures of one of them. It appears that in 1806 he left Scotland with many others of his countrymen to take advantage of the opening offered to British commercial enterprise by Beresford's gallant and successful attempt upon Buenos Ayres. But disappointment awaited them, and the reverses and capture of that excellent officer were the first news they received off the American coast. Montevideo, however, was closely invested by Sir Samuel Auchmuty, and on its fall our countrymen made it their residence ; till the fatal expedition under Whitelock, ending in the evacuation of that city, broke up an intercourse with the Spaniards which appears to have been of a very pleasant description, and our author returned to Scotland, without having made his fortune, and we are much in-

clined to suspect, having lost at least a large portion of his heart.

However this may be, he lost no time in returning to South America; the flight of the Royal House of Braganza had reopened our communications with Brazil, and on the 8th of October 1808, Mr. Robertson was treading the streets of Rio de Janeiro.

The mixture of dirt and finery, coarseness and ceremony, pomp and weakness, which distinguish the Brazilian capital, not more than the character of its European founders and its inhabitants, whether American or European, is amusingly described by our author. We cannot, however, give more than a slight specimen of this part of the book, having more interesting matter to hasten to.

“The merchandise of Tyre could not have been more cumbrous and varied than that of Rio de Janeiro. The hubbub and the fatigue of everything connected with the custom-house, made me hasten away from a place so unbearable, at once from its confusion, effluvia, heat, and deafening din. I wondered how any organization of human senses and susceptibilities could be found equal to the work going on within this monstrous Babel.

“I now threaded my way through streets so narrow, that it was with the greatest difficulty one carriage could pass another in them. The houses were from two to four stories high. Not a pane of glass was to be seen in any one of them. Instead of this, the openings in the house for light and air, were shrouded by balustrades of latticed wood-work.

“From under these the inhabitants, chiefly females, raising the jalousies, or lowering them down at pleasure, peeped out upon passengers, without in return being seen by them. The whole town looked like a large darkened convent. The men you met were all of a swarthy and unhealthy complexion: women you saw none, except mulattoes and negresses. Every here and there two athletic blacks were to be observed carrying a large palanquin, the female inmate of which was sacredly guarded from public gaze by the close and richly-embroidered folds of a scarlet or blue cloth. From between the openings of these folds, as from under her lattice-worked window, the lady thus carried could also look out upon passengers, without being perceived by them. The few carriages I saw were drawn by two mules. The postillions were accoutred in an awkwardly-cut but full-dress livery-coat, of which the colour was generally sky-blue, or tawny-orange, with deep and gaudy facings. An opera cocked-hat, and boots that reached to the thighs, completed their costume. The carriages themselves looked exactly like those we still see in this country made of gilt gingerbread.

“The number of persons I met in full-dress,—black coats, black satin breeches, silk stockings, gold knee and shoe buckles, opera-hats, gold-

headed canes, and ponderous gold seals,—led me to think there must be a great many dinner-parties going forward. I was mistaken; for as I went into a shop to buy a pair of gloves, the man-milliner who served me was precisely thus attired. A little further on I saw a whole group of men, in similar costume, sitting at a shop-door, smoking cigars and drinking lemonade.

"This seemed odd; but what was my surprise, as I proceeded, to see two negroes meet each other, dressed in tattered and ragged coats, waistcoats, knee-breeches and opera-hats, but without shoes or stockings! They stood bowing the one to the other, hat in hand, and in polite contention as to which should be covered first. They at length seemed to agree that they should return their hats to their heads simultaneously, so that one should not have precedence of the other. A snuff-box was then pulled by each from his respective girdle; with half-a-dozen bows, a pinch of snuff was exchanged; and very ceremonious inquiries were mutually made about their respective *senhoras*, or ladies. The hats were again taken off and lowered to the ground; and after an amicable struggle as to which should take the wall, these curious specimens of Brazilian politeness and etiquette walked on their several ways.

"I now passed down a street called '*Rua dos Plateiros*,' or Silversmiths' Street, where, in little dark and miserable shops, I saw trinkets of massive gold, pearls, diamonds, and every kind of precious stone of the richest description. Gold buckles of every size and shape formed a conspicuous part of the rich display before me.

"From this street I passed into the '*Rua dos Alfayetes*,' or Tailors' Street; and to have judged by the rows of benches filled with men working on the pavement in front of every door, as well as by the number of blacks and mulattoes all busy with their needles, I might have supposed the whole population of the town to be occupied in this one trade. The '*Senhor Alfayete*,' or my Lord Tailor, as he is called, is a very important personage among the Brazilians; for this people can form no conception of dignity unless it be dressed up in all the extravagance of old-fashioned finery."—Vol. i. p. 143.

But one sign of a corrupt and crumbling state we feel it our bounden duty to notice; and that is, the false position of the Brazilian wives, which, were there nothing else, would be evidence enough that the very core of the state was rotten.

"As to society among the Brazilians at Rio de Janeiro, it may be said there is none; for I cannot call that society from which females are excluded. Generally speaking, the husband of a Brazilian wife is not so much her companion as her keeper. His house is the abode of jealousy and distrust; for he cannot always stretch his confidence to the point of imagining fidelity in the wife of his bosom, any more than he can rely upon the virtuous forbearance of the friend of his heart. His daughters are brought up in Moorish seclusion, and his wife is delivered over to the keeping of a train of sombre slaves and domestics.



"I can say little or nothing to you, therefore, of Brazilian society. I found every effort at introduction to it unavailing. There were such things in Rio de Janeiro, among the highest circles, as occasional parties, very formal, and of very short duration; but no foreigners, not even the *corps diplomatique*, were admitted to them, except upon rare occasions. The consequence of this exclusion of females from the common laws of humanity and of social intercourse was, that the men congregated, and spent their time together in the coffee-houses and other places of public resort."—Vol. i. p. 151.

From Rio de Janeiro our author set out across the Pampas for Paraguay, which was then not yet under the iron rule of the atrabilious and sanguinary Francia; but which had already cast off its allegiance to Spain, and commenced the career of internal discord, which ended in subjecting it irrevocably to its stern dictator. A journey across the Pampas is now not so unknown and novel a feat as it then was: some of our countrymen, weary of European and even Asiatic tours, have visited America for the pleasure of galloping over the plains of the Gauchos; and the reading public has ridden rough with Sir Francis Head to its heart's content; still Mr. Robertson's ride is quite interesting enough to be read with pleasure by those who best remember the descriptions of his rough-riding predecessor.

It is a grand and glorious thing to scud over the waters without a boundary-line save the horizon: even a railroad has its excitement. But nothing of the kind can equal the glory of a gallop in downright earnest over plains such as those of South America. An English fox-hunt in a good country is exciting enough while it lasts; but what is that to an unbroken pace, for days together, where you leave your eighty or ninety miles a-day behind? The Indian of the Prairies may know something of it; the Bedoeen, who has better horses, and not worse plains, may rival it; but the European who, for the first time, finds himself galloping over the Pampas, feels that he has developed a new faculty. Mr. Robertson, though starting upon a mercantile adventure, and, as we are in duty bound to believe, with a head full of calculations and prices current, becomes positively enthusiastic as soon as he gets upon a half-broken colt of the plains; and certainly, if he gets on at a pleasant rate in his saddle, he carries his reader along with him at a very pleasant rate in his book.

The Pampas are dotted here and there with establishments belonging to the *estancieros*, or cattle-owners of the plains: here they would be corn-growers and country gentlemen. But these oases in the desert bear as little resemblance to the country-seats of our gentry, as the somewhat vagabond, reckless, and show-loving South American proprietor does to the sturdy magistrate, grand-juror, and corn-monopoly upholder of an English county. The *estancia* may be a track of thousands of acres, grazed over by tens of thousands of horned beasts, and numberless herds of wild horses; but the houses are a few huts, half-boarded and unglazed. A camp-bedstead and a few deal chairs and tables are their furniture, which would hardly break the monotony of the dead walls, were they not eked out with heaps of pack-saddles and riding saddles, and all the other implements of those who are "cunning in flocks and herds." But you will find a splendour here too of its kind: it is odds but you are presented with silver goblets to drink from; and you may wash your hands in a silver basin; which after dinner, by the way, will be no luxury, but a mere necessary; for it may be doubted whether you will have enjoyed the innovation of knives and forks. But in truth the way of life and the men themselves are well suited to one another; and when one hears of a patriarch of the Pampas, one thinks not of a venerable figure in a sober brown wig, cut-away green coat, and top-boots, but of something like a Spanish *arriero*, or muleteer, only on a more splendid scale,—all gay colours, silver and jingling buttons, with olive skin, dark flashing eyes, white teeth, and the eternal laugh that shows them. Mr. Robertson has given descriptions of one or two persons of this class, one of which is so graphic, and so good in its way, that it will bear extracting entire:—

"One day, after the siesta-hour, as now half transformed into a Santa Fecino, I was sitting, without jacket or waistcoat, with the family party, under Aldao's porch, there came slowly riding up to us on horseback one of the finest-looking, and most gorgeously-equipped old gentlemen I ever beheld. 'There,' said Aldao, 'comes my uncle Candiotti.'

"I had often heard of Candiotti: who had not, that had ever been in that country? He was the very prince of Gauchos, lord of three hundred square leagues of territory, owner of two hundred and fifty thousand head of horned

cattle, master of three hundred thousand horses and mules, and of more than half a million of dollars, laid up in his coffers, in ounces of gold imported from Peru.

"Just returned from one of his excursions into that country, there he sat, on a sleek and powerful bay gelding, the finest animal, decidedly, I had seen in the country. Anything half so splendid as horse and rider, taken together, and with reference to the Gaucho style of equipment in vogue, was certainly not to be found in South America. When the family congratulations on meeting, after a six months' absence, were over, I was introduced to Senor Candiotti, and made my bow with all the deference due to so patriarchal a potentate. His manners and habits were alike primitive; and his mode of carrying himself towards others was as unostentatious and courteous, as were his claims to superiority in wealth and station universally admitted.

"This prince of the Gauchos was a prince in nothing more than in that noble simplicity which characterized his whole deportment. He was too high in his own sphere of action to fear competition; too independent to condescend to civility for mere personal advantage; and too ingenuous to admit into his breast a thought of acting the hypocrite.

"He continued sitting on his horse, and kept up a familiar chit-chat with all around. Every now and then he lighted his cigar by striking fire with a flint and steel on tinder kept in a polished tip of horn, which was embossed with silver, and had a gold chain attached to it, by which the lid, or rather extinguisher, depended, while the horn was in use. As I looked at him I could not but admire his singularly-handsome face and dignified mien. His small mouth, and strictly Grecian nose; his noble forehead, and fine head thinly strewed with silver locks; his penetrating blue eyes, and countenance as hale and ruddy as if he had spent his days in Norway, instead of riding over the Pampas, were all remarkable. Then, for his attire, according to the style and fashion of the country, it was magnificent. His poncho had been made in Peru, and, beside being of the richest material, was embroidered on a white ground in superb style. Beneath it he wore a jacket of the finest India cloth, covering a white satin waistcoat, which, like his poncho, was beautifully embroidered, and adorned with small gold buttons, each depending from a little link of chain of the same metal. He had no cravat, and the collar and front of his shirt displayed upon fine French cambric, the richest specimens of tambouring which could be furnished in Paraguay. His lower vestment was of black velvet, open at the knees, and, like the waistcoat, adorned with gold buttons, depending also from little links of chain, evidently never intended for connexion with the button-holes. From under this part of his dress were to be seen the fringed and tamboured extremities of a pair of drawers, made of the fine Paraguay cloth. They were ample as a Turkoman's trousers; white as the driven snow, and hung down to the calf of the leg, just far enough to show under them a pair of brown stockings, manufactured in Peru from the best Vicuna wool. The potro boots of Senor Candiotti fitted his feet and ankles, as a French glove fits the hand, and the tops of them were turned over, so as to give them the



air of buskins. To these boots were attached a pair of unwieldy silver spurs, brightly polished. To complete his personal attire, the princely Gaucho wore a large Peruvian straw hat, with a black velvet band around it, while his waist was girded with a rich crimson sash of silk, serving the treble purpose of riding-belt, braces, and girdle for a huge knife in a morocco sheath, from which protruded a massive silver handle.

"Gorgeous as was the apparel of the rider, it was, if possible, outdone by the caparison of his horse. Here all was silver, elaborately wrought and curiously inlaid. The peaks of the saddle, and the complicated head-piece of the bridle, were covered with the precious metal; the reins were embossed with it; and in the manufacture of the stirrups there must have been exhausted all the ingenuity of the best Peruvian silversmith, with at least ten pounds of plata pina (or virgin silver) to work upon. Such, in character and person, was Candiotti, the patriarch of Santa Fé."—Vol. i. p. 208.

Candiotti had attained wealth almost unrivalled in the South American States by extreme vigilance, and cool but bold speculations as a breeder of mules and cattle. With him had originated the staple industry of Santa Fé, which might almost be said to have grown with his growth, and strengthened with his strength. His numerous *estancias* were spread all over the Pampas, and on all of them were the countless elements of his wealth, oxen and horses. He was somewhat of a patriarch too in another sense, having a goodly family of sons, though but one legitimate child, a daughter. In such countries, however, as these we describe, where population is not over-abundant, many children are a great blessing; no one asks impertinent questions as to legitimacy and illegitimacy; and it was well with Candiotti that he could commit the laborious care of his several estates to these sturdy scions of his own irregular grafting. On a visit to one of these *estancias*, Mr. Robertson had the opportunity of seeing something of the sporting of the Pampas: the chase of the wild partridge, which is fairly galloped down; the ostrich, who is hunted with men and dogs; the still more exciting and gallant chase of the wild colts, pursued till they find themselves haltered in the unerring *lasso*, and rise up from their fall saddled, bridled, and backed, the slaves of man for the remainder of their lives. But all these spirit-stirring scenes we must leave, to follow our traveller to Assumpcion, merely making room as we pass for one or two of those reflections which arise easily and naturally in the mind of our philan-

thropic author, and which are more important in their truth than a dozen tomes of the driest political economy.

"As I rode along, post-haste, at the rate of twelve miles an-hour, I perceived I had got into quite a different style of country from that which intervened between Buenos Ayres and Santa Fé. There, all was flat, monotonous, with leagues upon leagues of ground covered with thistles eight feet high, and only space enough to ride through their dense, brown, and interminable ranks. Here the country was undulating, verdant, irrigated by frequently-recurring streams, and ever and anon, shaded, as well as adorned by woods of the algarroba-tree. The herds of cattle were much more extensive, the horses finer, the peasantry more athletic than on the western bank of the Paraná; and though there were not here, any more than there, either fences, cultivation, or other signs of human industry; though the thinly-scattered habitations were mere mud huts, and their half-clothed inhabitants little removed from savage life, yet the whole air of the country was more cheering and exhilarating. As I rode over its apparently interminable extent of hill and dale, diversified with all the beauties and all the riches of nature, I could not help considering what a magnificent land it must some day become. I longed already to see the immense herds of sleek and lowing cattle which covered the uninterrupted pastures, shut up within closer limits, and making way for the stately city, the busy town, the rural village, and the various occupations of the agriculturist, the merchant, and the artisan. I could not but stand aghast at the theory of political economists, who would persuade us that the world is over-peopled, and that a bountiful God has not provided sufficient means of subsistence for his dependent creatures. How could I do otherwise than smile at the fanciful arithmetical calculations of Malthusian philosophers, who tell us that in a given number of years, a process of human extermination from want of the necessaries of life, must take place, in order to leave food and raiment for *their* given and limited number of earth's inhabitants?"—Vol. i. p. 228.

Assumpcion, though *liberated*, as the phrase is, from the Spanish sway, had by no means liberated itself from a great many prejudices and absurdities, fostered by the old spirit of misgovernment. A consequence of these was, that Mr. Robertson, on his arrival, became a suspected person. It was laid to his charge, that he meant to trade on so large a scale as to establish a monopoly for himself, ruin all the native merchants, and what not? Perhaps the politicians of the place had even got an insight into the importance of a *warm* merchant, and fancied our young countryman might have a mind to play dictator himself; to buy and sell them, in short, as well as tobacco and yerba. Be it as it may, he and his goods were put at once under *surveillance*; and it was some

time before he obtained permission to prove that his "intentions were honourable" towards the good state of Paraguay, and the somewhat easily alarmed junta that governed it. But at last all difficulties were removed, and he found himself in possession of the confidence of the citizens of Assumpcion, and at the head of a flourishing establishment. We have said, that a merchant in an unsettled country must expose himself to personal risks, which explain the old English title of "Merchant Adventurer," borne by those bold pioneers of our commerce who, in the time of Elizabeth and James, braved the rudeness of Muscovy, India and Turkey. Accordingly we find our merchant adventurer floating his own cargo down to Santa Fé, at the head of a respectable force of Indians and Paraguayans; hugging the shore to escape the look-out of hostile Spanish vessels; seeing his foe, himself unseen; haranguing his Paraguayans and Payaguas with all the *verve* of Galgacus or Lord Brougham; strongly developing the organ of combativeness in all his hearers; and finally, slipping by the enemy in the dark; with other moving accidents by flood and field, for a full account of which we refer to his own Commentaries.

But one danger from a quarter least to be dreaded was reserved for him, which, like more than one great commander, he escaped by running away. The progress of this danger we must describe in Don Juan's (Mr. Robertson's Spanish name,) own words, inasmuch as it seems to us to involve some physiological speculations rather at variance with the views generally entertained respecting the Spanish ladies, both of the old and new worlds.

"Don Gregorio introduced me one day to the great-grandmother of one of his comadres or gossips. The old lady was eighty-four years of age; rich, hale, healthy, vigorous and active; and she was in the habit of riding to Assumpcion from her country-house and back again on a gallant palfrey, three times a-week. Though a wrinkled skeleton, and brown as an Egyptian mummy, she was erect; she did not totter at all; and her utterance, even in Spanish, was clear, unbroken, and distinct. Her name (and it was a very old family name) was Dona Juana Yesquibel.

"I had long been looking out for a country-house; but could find none exactly to please me. Compadre La Cerda knew this. He had determined I should occupy part of Dona Juana's; and a simple hint from the all-powerful godfather was sufficient to ensure a ready compliance with his desire. To me he never said a word of his project; but one day, I received



from the old lady herself, a note written in quite a legible character to this effect :

“ ‘ I understand from my compadre La Cerda ’ ( you will perceive that though he was only the godfather of her great-grand-daughter’s family, she called him her’s ), ‘ that you want a house in the country. Though mine is none of the best ’ ( it was the *very* best ), ‘ I shall expect you to take up your abode in it, whenever you like, after to-morrow. I will take no excuse, at least till you can better suit yourself. I shall hold three apartments, and the necessary attendance at your service.

‘ ( Signed )

‘ JUANA DE YSQUIBEL. ’

“ I could scarcely credit the testimony of my own eyes, as I read the note. I had never seen the lady above twice ; and in doubt as to whether it proceeded from her, I carried it to compadre La Cerda. He laughed at my incredulity ; gave me to understand that it was all his doing ; and that unless I complied, I should put an affront upon the octogenarian lady that she would never recover. I went a few days afterwards, and took possession of my spacious apartments at Dona Juana’s house in Campo Grande. In rude fashion, but with overflowing hospitality was I received by her, and waited upon by her numerous slaves. The house stood embosomed in an orange-grove ; it was surrounded by a wooded country richly contrasted with small intervening valleys and clear streams. Game of every kind abounded within a few hundred yards of the house. Horses were at my service, and servants too ; Dona Juana, having once received me within her gate, thought her honour compromised, her reputation for hospitality at stake, unless every thing that could contribute to my comfort and happiness were as complete as she could make it ; and it was all on the simple recommendation of her great-grand-daughter’s compadre, La Cerda.”—Vol. i. p. 307.

“ Dona Juana Ysquibel was one of the most extraordinary women I ever saw. In Paraguay, women fade generally into old age at forty. Yet Dona Juana was eighty-four ; and though necessarily shrivelled and grey, she still preserved a vivacity of eye, a hilarity of disposition, and an activity, both of body and of mind, which exemplified the truth of the saying that ‘ there is no general rule without an exception.’

“ I was entertained by her ‘ *en Prince*. ’ There is in the Spanish character, especially as it was then enlarged by South American abundance, such a magnificent conception of the word ‘ hospitality,’ that I allowed it, with proper demonstrations of reciprocal courtesy and favours on my part, to proceed, on that of Dona Juana, to a great extent. In the first place, her whole household establishment, servants, horses, viands, produce of her estate, were at my disposal. Then, if I accidentally admired anything she had,—a favourite palfrey,—rich filagree,—choice specimens of tambouring,—preserved sweetmeats,—or a pair of handsome mules,—they were instantly made over to me in a way to render their reception unavoidable. A gold snuff-box, because I said it was very pretty, was brought by a slave one morning into my room ; and a ring of brilliants, because I one day happened to look at it, was laid on my table, with a note which made its acceptance imperious. Nothing was cooked in the house but what it was known I

liked ; and though I endeavoured in as many ways as possible, at once to compensate for this onerous civility, and to show that I felt it to be rather overwhelming, yet I found all my efforts to diminish it ineffectual.

" I was, therefore, determined to quit my over-hospitable abode, when a circumstance occurred which, however incredible, is most true ; and it changed, and placed on a better footing, my subsequent intercourse with this singular woman.

" I was fond of the plaintive airs sung by the Paraguayans, and accompanied by the guitar. Dona Juana knew this ; and to my great surprise, when I came home one evening from town, I found her, under the direction of a guitarista, or master of the guitar, endeavouring, with her cracked voice, to sing a *triste*, and with her lank, brown, and wrinkled fingers, to manage an accompaniment to it on the guitar. How could I do otherwise, on beholding such a spectacle of second childhood, than, in defiance even of the lady's sensitive nature, break out into a smile, expressive of derision ? ' For God's sake,' said I, ' Dona Juana, how can you, fourteen years after the time when, according to the laws of humanity, you should have been in the grave, either make yourself such a butt for the ridicule of your enemies, or such an object for the compassion of your friends ?'

" The exclamation, I confess, even though addressed to a woman of eighty-four, was not a gallant one : for where *age* is concerned, what woman can bear a taunt ?

" That Dona Juana, in this respect, had all the weakness of her sex, was very soon apparent. Down she flung the guitar ; she ordered the singing-master unceremoniously out of the house ; the servants she sent out of the room ; and then, with a fierceness of aspect, of which I little thought her capable, she astounded me by the following address :—' Senor Don Juan : little did I expect such an insult from the man whom I have loved :' and on the latter word she laid no ordinary emphasis. ' Yes,' (she continued) '*loved*. I was prepared, I am *still* prepared to offer you my hand and my estate. If I was learning to sing, and to play the guitar, for whose sake was it but yours ? What have I studied,—what have I thought of,—for whom have I lived during the last three months but for *you* ? and is *this* the return which I meet with ?'

" Here the old lady exhibited a curious combination of the ridiculous, the pathetic, and the passionate, as, melting into tears, and yet sobbing with indignation, she gave vent to her feelings. The scene was one of striking novelty, not unalloyed with alarm on my part, on account of the poor old woman. I therefore left the room ; sent her female servants to her ; told them their mistress was seriously ill ; and after hearing that all alarm was over, I went to bed, not knowing whether most to pity, or to smile at, the tender passion which a youth of twenty had excited in the susceptible bosom of a lady of eighty-four. I hope I shall stand exonerated from any charge of vanity in relating the pathetic tale. I do it simply to exemplify the well-known aberrations of that most ardent yet capricious of all the deities, Cupid. There is no age beyond the reach of his shaft. The octogenarian and the youthful swain are alike his victims ; and his pranks are generally the most frolicsome when all things external,—age, habits, de-

crepitude,—have combined to render the idea of his access to the heart incredible and absurd.

“ At Dona Juana's request, I went next morning to her chamber ; and whether it be that a night's rest has no small effect in soothing the feelings, or that my reasonings with her, accompanied by a reluctant protest that I must leave her house, unless she would give me a formal promise no longer to make love, or to play the guitar, I know not : but certain it is, that she was reconciled to my remaining, under a solemn league and covenant on her part, that I should neither receive any more presents, nor hear anything more of love or music.”—Vol. i. p. 308-313.

The love of this transatlantic Ninon may have made her strangely generous, or, which we would rather believe, the open-handed and open-hearted South American is more in earnest in his “ al servicio de usted,” than his fellows of the old world : but, at any rate, our author seems to have been indebted to his northern blood for as great an escape as any recorded in the many volumes of “ hair-breadth 'scapes in the imminent deadly breach,” and elsewhere, with which the world has been filled.

Doña Juana is not by any means the only original to whom we are introduced in these pleasant volumes. We have a dozen portraits sketched with great humour, and, we will answer for it, as like as can be. Among them is Doctor Bargas, lawyer and tobacco-merchant ; Don Gregorio de la Cerda, godfather-general to all and singular the Asumpcianos and Asumpcianas ; and, last, not least, the terrible Francia himself, of whom more hereafter. But one of the most original of all, and no bad type of the Church *in universo*, is Pai Mbatû, whom we beg leave to bring to the nearer acquaintance of our readers.

“ An extraordinary personage in that scene was a man of the name of Pai Mbatû, or Father Mbatû. He had taken priest's orders in early life ; but whether stricken by love, and then smitten by conscience for allowing so unhallowed a passion to enter the bosom of a man dedicated to the temple,—as *some* say ; or whether, according to others, Pai Mbatû, never having been a man of strong intellect, had it weakened by much learning ; certain it is that the Pai, without doffing his habit, quitted the church, and lived a life of listless indifference and sloth. This was very well, as long as his patrimony lasted ; but that was not exhaustless ; and failed him. The good gentleman then overthrew the estimate of his friends as to his paucity of intellect, by the ingenuity with which he made provision for his wants. He attended the market-place regularly at break of day. For some time, through the respect entertained for his order by many, and through



the pity felt for him by others, he begged his way from one depôt of provision to another, and obtained a livelihood, if not honourable, at least gratis. But charity, like Paï Mbatû's patrimony, has a tendency to exhaust itself, at a ratio proportioned to the frequency with which it is laid under contribution ; and that bounty which had hitherto been extended by the dealers in the market-place to the decayed clergyman, took the alarm on seeing him one day appear among them attended by a stout Tâpé Indian, bearing a large hide tipa, or circular receptacle for provisions on his head. He had also a deep candle-box of the same material in his right hand. Paï Mbatû had been content, hitherto, to stow away, in a wallet, carried by himself, the miscellaneous supplies for the larder, which he collected from his not unwilling contributors. But when they saw the formidable preparations made for the reception of more abundant stores, and inferred that the Tâpé Indian must be fed, as well as his master, a general and sturdy resolution was come to, by the most influential people of both sexes in the market, to stop *in toto* the supplies to Paï Mbatû.

"Up he went, as usual, and his domestic behind him, to his best patrons. Not a torta (or pie), not a candle, cigar, drop of honey, bit of sugar-cane, or head of Indian corn could he get. Off he went to the butcher's cart: 'Pay-sano,' said he, 'venga la carne.' 'Come, my friend, let me have my beef.'

"'The supplies are stopped,' replied the butcher, as d turned to serve his paying customers. From the aristocrats of the market Paï Mbatû appealed to the poor; and he found them still willing to contribute enough for that day's supply; but even *they* advised him to dismiss his servant; and one took leave to say, that though she had contributed for many years to support the Paï, she never herself had a hired servant, and thought there was some impropriety in the pretension of beggars to become gentlemen. She supposed the next thing would be, that Paï Mbatû and his servant would come to market on horseback. The result was, that the decayed clergyman went home that day more scantily supplied than he had ever before been, but not with his mind made up to submit to a repetition of such treatment. Next morning he sallied forth, with his servant and receptacle for provisions as on the day before. He carried with him, in addition, a long cane, with a stout and well-sharpened nail driven into the lower extremity of it. Going up to several of the poorer classes, with whom he had hitherto dealt, he warned and admonished them against the mortal sin of refusing meat to any one, but especially to a man of his vocation. They trembled. He then made various signs of the cross, and exorcisms, with his cane. They withdrew their hands, which had before been stretched out to protect their provisions. The magic circle described by the stick became less and less, till finding in the centre of it a torta to the liking of Paï Mbatû, down upon it pounced the cane, and the prize was straightway handed to the Tâpé behind. With due composure the valet cast it into the hide receptacle for his marketing. Paï Mbatû then proceeded to another spot selected by its occupant for the sale of her produce. Again the exhortation and warning commenced; the exorcisms, denunciations, and muttering followed; the magic stick swept its magic circle, and up at its end, to be handed to the Indian behind,

came yucca-root, Indian corn, cigars, beef, candles, sugar-cane, and many other articles in the market-place. When a liquid was wanted, Paí Mbatú attached to the end of his cane a little earthen bottle, and left it to the market-woman to supply the cordial. In less than a month, the whole people of the market-place were content to submit to the spoliation of Paí Mbatú and his Indian servant, consoling themselves with the reflection, that if they thereby incurred a little temporal loss, they served better and more lasting interests. They thought, too, that as there were five hundred who sold their wares in the shambles, and that, as it required only ten of them to supply the daily wants of the Paí, the visitation could come upon them individually but twice a quarter; so what, after all, said they, is the provision of one day, twice a quarter, for a reverendo?"—Vol. i. p. 295—300.

"I have often wondered how such an attempt as the one detailed would be encouraged at the stalls of Covent-garden and Leadenhall-market. I question if even a decayed bishop (were it possible that such there should be) could get, and that for life, on the same easy terms, at either of those places, what the decayed curate got in the market-place of Assumption."—Vol. i. p. 301.

The second volume of these letters contains matter of a more serious, though hardly less interesting nature than the first. That portion of it, perhaps, which will be found most instructive, is the account of the *Misiones* or Establishment of the Jesuits in Paraguay; in it the rise, consolidation, and downfall of their power are minutely described, and another striking lesson furnished, that the most righteous punishment of misgovernment is, that it renders a people incapable of self-government. This great truth reveals itself in almost every page of Mr. Robertson's book; but nowhere more clearly than in his account of the Jesuits, and their poor converts, or rather say, servants and labourers, the Indians in the Missions. We cannot find room to extract any portion of this account; nor, indeed, would it be just to the author to isolate any portion from a narrative closely connected, full of valuable information and sound reflections. The Jesuits had degraded, demoralized, and enslaved the Indians; their power became dangerous to Spain, and they fell. But their Indian slaves came demoralized and degraded into the hands of their new masters, and so they remained: and now scarcely a vestige exists of those astonishing establishments, whose splendour, and wealth, and influence, were a bye-word in Europe.

"Quicquid delirant Reges plectuntur Achivi:"

Misgovernment has rooted out a nation of men!

"The wars of Artigas desolated them; the policy of Paraguay has nearly annihilated them. From a hundred thousand inhabitants, the population has dwindled down to eight thousand; the public buildings are now not only dilapidated, but ruined; and the scattered Indians are almost as much at a loss for subsistence, as when they wandered in the woods. Their towns have been repeatedly burnt and sacked during the revolution; and their cattle, horses, sheep, and bullocks have all been destroyed or carried away. The natives of Misiones themselves have been pressed into the armies of the revolutionary chiefs, and the wives and children often left to perish.

"Every vestige of property and of cultivation has been swept away; and the ruin of the Indians, like the fall of the Jesuits, though not quite so sudden, has been equally complete: it has been incalculably more calamitous."—Vol. ii. pp. 132, 133.

A considerable portion of the second volume is filled with the letters of Mr. W. P. Robertson, joint-author with our amusing traveller. These describe his adventures on his journey to join his brother in Paraguay. We have devoted so much space to the first volume, that we must pass more rapidly than we desire over this part of the second, in order to give some account, before we close, of Francia, in every respect the most remarkable man in the modern history of La Plata. But one extract we shall give, in order to justify some of the remarks which we have made upon the habits of society in South America, especially upon that most vital of all subjects—the treatment of women. It is the description of a state-dinner given at Santa Fé to Mr. Robertson by the Governor, and which was attended by many of the fashionables of the place.

"About thirty to forty guests sat down at table, in the large ill-furnished dining-room of the government-house. We had military men, lawyers, a padre or two, doctors and merchants, with several of their *cara sposas*, and as many of their daughters. Don Francisco Candiotti was a distinguished personage at this *convite*, or banquet, and his nephew Aldao ranked among the merchants. Notwithstanding the general scarcity which prevailed, good things of every kind were placed in abundance on the table. Famines and scarcities keep low company; and never, as far as I have seen, are admitted to the presence of governors, or heads of either states or provinces.

"Three things very particularly carried away my attention at the dinner:—first, the extremely free nature (to use the very gentlest expression) of the conversation which was adopted with the ladies, young and old: it was such as to make me, with my unsophisticated English feelings



about me, blush at every turn, although such modesty, whenever it was observed, caused a hearty laugh.

"The next thing that surprised and pleased me, was the great facility which all the gentlemen present possessed in producing improvisatore verses. Almost all their toasts were thus given, and with a readiness, a precision, and often an elegance, which quite astonished me. I found the talent afterwards to be general throughout South America, as it is, I believe, in Italy and Spain.

"The third South American custom (and this one confounded me), was that of the guests pelting each other at table with *pelotitas*, or bread-balls, of the size of a pea. They threw them off with the middle finger and thumb, with generally unerring aim, and in such prodigious numbers, that the floor was literally *invisible* in many parts of the room. All at table, without a single exception, mixed in the fun, and with increasing eagerness as it advanced. I have very often since seen the same thing, but never to such an extraordinary extent as at the governor of Santa Fe's table\*.

"A great quantity of wine was drunk during the dinner, which, with the dessert and the battle of the *pelotitas*, lasted from three till seven o'clock. All this time the ladies remained in the dining-room. A great deal of what we now term skylarking took place,—romping and other freaks; till at last some of the most excited with wine proceeded to acts of indecorum, which, even in that latitudinarian country, could not be tolerated. We therefore moved to the salon, where an excellent band of military music was placed. Dancing was kept up till twelve o'clock; and that, though just the hour at which our dancing begins, is a very late one for the Santa Féinos at which to close the hilarity of their day." —Vol. ii. p. 199-202.

No nation was ever yet reduced to slavery, except it had previously been demoralized; a conqueror may exterminate its nobles and its armies, proscribe its language and laws, destroy its commerce, and lead away the remaining fragments of its population into hopeless bondage: so it was with the Jews and Messenians of old, and so it has been with the Poles in our own time: but then the nation itself has ceased to exist, or lives only in the hearts of exiles and emigrants. Then the sole representatives of nationality are those who sit down by the waters of Babylon and weep, and hang their harps upon a lonely tree. But no nation that had not

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\* \* This custom I have seen degenerate into ill-mannered fights, when whole loaves have been thrown with violence by one at another. In one case a candlestick was made a missile of. But it is due to the South Americans to say, that this abuse of their not very polished, but innocent and well-intended custom, was introduced by some of the young and riotous Englishmen who first went among them."

previously lost what Coleridge calls the "citadel of the moral being," ever bent under the yoke, and yet continued to be a nation: witness imperial Rome under the Cæsars; imperial Austria under the Counts of Hapsburg; imperial Russia under the house of Romanow; Spain under Carlos IV. and Fernando VII.; Prussia under the descendants of Frederick the Great; Italy under a swarm of Austrian archdukes; France in the heyday of her first revolution, when every month brought her a change of tyrants; in the zenith of her empire, when the spoilt child of fortune trampled upon every vestige of her liberties, and consoled her with the reeking rags of *glory*; in her three imperishable days, when a cunning gamester jockeyed and outwitted her; under the rule of her citizen king, when cannon roared and blood flowed in the streets of Paris and Lyons!

But if such demoralization have taken place, then even the forms of constitutional government are the true engines of tyranny; and the signs of that demoralization may be read far and near. If a nation become so selfish as to think she stands alone in the world, and to turn her eyes from the interests of other nations that look to her as the guarantee of their liberties; if her higher classes, and especially her legislative bodies, split themselves into factions, to whose petty and fractional interests the national welfare is offered up, and frittered away in parish disputes; if her lower classes band together for the advancing of their selfish class-interests by the threat of force; if that threat be ever listened to for a moment; if her education become daily more and more confined to the intellect, to the exclusion of the higher faculties of man's nature; if her established church become a sect; her literature prurient and sentimental; her public writers and journals vain and venal; above all, if the sanctity of the marriage bond be unrecognized, and its stringency weakened;—then a nation *is* demoralized, and, in spite of its Lords and Commons, either on the high road to a tyranny, or an easy prey to foreign invasion.

The ruin of South American liberty is then rather to be sought in the condition to which Spain had reduced her provinces than to the peculiar powers of mind of their various tyrants. One or two men no doubt arose who possessed

higher qualifications than the mass of their fellow countrymen and subsequent subjects ; but hardly one who deserves to be mentioned amongst the third-rate men of the old hemisphere. Gallant soldiers, no doubt, on a small scale, have here and there shown themselves ; and one or two clever administrators have been thrown forward : but this is all ; and we feel that what Wordsworth has said of the first French revolution is true also of the new world which Mr. Canning called into existence to redress the balance of the old : there has been equally a want of books and men ! And without *men*, who dreams of liberty or of law, its basis ? Among the most remarkable of these few, if not the most remarkable, was the Dictator Francia, whom we might without any great violation of historical propriety call the Robespierre of Paraguay.

Francia was the son of a French emigrant and a creole mother, and was originally destined for the church ; but ambition or other less noble infirmities decided him against this career ; he devoted himself to the study of the law with energy, and took a brilliant degree in that faculty at the university. He was harsh, stern, and unforgiving ; so unforgiving as to have suffered his father's dying request for a reconciliation, after a quarrel of many years, to pass unnoticed, and in a manner not less than brutal. His talents soon rendered him remarkable as a practising lawyer ; and his unbending integrity was hardly less honourable to himself than wonderful to all who came in contact with him ; for justice in South America was anything but even-handed. " He never would defend an unjust cause, while he was ever ready to take the part of the poor and the weak, against the rich and the strong." Like Robespierre, he might have called himself the " incorruptible." An anecdote of his early life, bearing upon this point in his character, may be cited :

" He had a friend in Assumpcion of the name of Domingo Rodriguez. This man had cast a covetous eye upon Naboth's vineyard, and this Naboth, of whom Francia was the open enemy, was called Estanislao Machain. Never doubting that the young doctor, like other lawyers, would undertake his unrighteous cause, Rodriguez opened up to him his case, and requested, with a handsome retainer, his advocacy of it. Francia saw at once that his friend's pretensions were founded in fraud and injustice ; and he not only refused to act as his counsel, but plainly told



him that much as he hated his antagonist Machain, yet if he (Rodriguez) persisted in his iniquitous suit, that antagonist should have his (Francia's) most zealous support. But covetousness, as Ahab's story shows us, is not so easily driven from its pretensions; and in spite of Francia's warning, Rodriguez persisted. As he was a potent man, in point of fortune, all was going against Machain and his devoted vineyard.

"At this stage of the question, Francia wrapped himself up one night in his cloak, and walked to the house of his inveterate enemy, Machain. The slave who opened the door, knowing that his master and the doctor, like the houses of Montagu and Capulet, were smoke in each other's eyes, refused the lawyer admittance, and ran to inform his master of the strange and unexpected visit. Machain, no less struck by the circumstance than his slave, for some time hesitated; but at length determined to admit Francia. In walked the silent doctor to Machain's chamber. All the papers connected with the law-plea,—voluminous enough I have been assured,—were outspread upon the defendant's *escritoire*.

"'Machain,' said the lawyer, addressing him, 'you know I am your enemy. But I know that my friend Rodriguez meditates, and will certainly, unless I interfere, carry against you an act of gross and lawless aggression; I have come to offer my services in your defence.'

"The astonished Machain could scarcely credit his senses; but poured forth the ebullition of his gratitude in terms of thankful acquiescence.

"The first '*escrito*,' or writing, sent in by Francia to the Juez de Alzada, or Judge of the Court of Appeal, confounded the adverse advocates, and staggered the judge, who was in their interest. 'My friend,' said the judge to the leading counsel, 'I cannot go forward in this matter, unless you bribe Dr. Francia to be silent.' 'I will try,' replied the advocate, and he went to Naboth's counsel with a hundred doubloons, (about three hundred and fifty guineas) which he offered him as a bribe to let the cause take its iniquitous course. Considering, too, that his best introduction would be a hint that this *douceur* was offered with the judge's concurrence, the knavish lawyer hinted to the upright one that such was the fact.

"'Salga V.,' said Francia, 'con sus viles pensamientos, y vilisimo oro de mi casa.' 'Out with your vile insinuations, and dross of gold from my house.'

Off marched the venal drudge of the unjust judge; and in a moment, putting on his capote, the offended advocate went to the residence of the Juez de Alzada. Shortly relating what had passed between himself and the myrmidon,—'Sir,' continued Francia, 'you are a disgrace to law, and a blot upon justice. You are, moreover, completely in my power; and unless to-morrow I have a decision in favour of my client, I will make your seat upon the bench too hot for you, and the insignia of your judicial office shall become the emblems of your shame.'

"The morrow *did* bring a decision in favour of Francia's client. Naboth retained his vineyard; the judge lost his reputation; and the young doctor's fame extended far and wide.

"Alas! that an action so magnanimous in itself should be blighted by

the record which historical truth exacts,—that no sooner had Francia vindicated the law and justice of his enemy's case, than the old antipathy revived ; and one of the many victims, at a subsequent period, of the Dictator's displeasure, was the very Machain whom he had so nobly served." —Vol. ii. p. 29-33.

When Paraguay separated from Spain, Francia was the man who decided the doubtful question of independence, and that in a manner characteristic enough.

" On the occasion of the installation of the junta which superseded, in Paraguay, the authority of Spain, the question was agitated by a number of the first citizens convened for the purpose in the Government House, as to whether the government of the country should be carried on in the name of Ferdinand VII. Francia, whose mind was made up that it should *not*, entered the hall of deliberation at the warmest period of the debate. Walking up to the table, and taking his place beside several government functionaries, he calmly laid a pair of loaded pistols before him, and said, ' These are the arguments which I bring against the supremacy of Fernando Septimo.' From so daring and practical an argument there was no appeal ; and Francia thus, as it were, at the cannon's mouth, forced his countrymen into the first direct declaration in South America, of absolute independence of Old Spain."—Vol. ii. p. 33.

Francia became secretary to the Junta, which now assumed the supreme power in Paraguay. Its other members, however, could not compete with him in talent or habits of business, and his natural vanity and the sense of his own importance soon rendered him so disagreeable to his colleagues, that a schism arose which ended in his retirement. In the seclusion of his country-house, which now became the focus of all the intrigues in the country, he had time to mature his plans of ambition and revenge. At length the favourable moment arrived, and a national convention placed him in the curule chair of a consul ; adding Yegres as his second, a member of the old Junta, and a kind of Paraguayan Cambacères to the Paraguayan First Consul. Though there were no Italian or Austrian campaigns in store for him, our First Consul paid no small attention to the dressing, drilling, and disciplining his *army* ; he had no doubt already conceived the use to which it might be put at a later period.

" Francia's greatest pleasure consisted in talking about the ' War Department ; ' and he would go into the most absurd minutiae with a positively childish delight. On one occasion the gunsmith came in with three or four old muskets repaired. Francia held them up one by one to his shoulder, and pointing

the act of firing, drew the trigger.

When the flint struck good fire, the Consul was charmed, and said to me, 'What do you think, Mr. Robertson? will my muskets carry a ball to the heart of my enemies?'

"Next, the master tailor presented himself with a tight fit for a grenadier recruit. The man for whom the coat was made being ordered in, and stripped to try it on, got at length, after some awkward attempts, his arms into it. The fit was not a very soldier-like one in my eyes; for I thought the high waist, and the short—the very short—tails of Francia's grenadier coat rather uncouth. Still it was a fit, according to the Consul's fancy, and he praised the tailor, and told the soldier to mind how he ever got a stain, or 'mancha,' upon it. Nodding to me, he then said in French, 'C'est un calembourg, Monsieur Robertson, qu'ils ne comprennent pas.'

"Last of all came in two sturdy mulattoes, one with a grenadier's bearskin cap, and another with brown belts and cartouche box. They were all fitted on the martyr of a soldier, into whose hands, finally, Francia put one of the muskets. He then said, 'There, Mr. Robertson, this is the style in which every one of my grenadiers shall be equipped.' Such exhibitions as these were of frequent recurrence, and they always elicited glee and good humour from Francia. His grenadier company was his great hobby; and I never saw a little girl dress out her doll with more self-importance and delight than, did Francia, with his own hands, dress and fit out each individual grenadier of his guard."—Vol. ii. p. 36-37.

As Francia's power increased and consolidated itself, he more and more threw off the veil of mildness and moderation. He had been accustomed to show great courtesy of manner, and refinement of breeding; was always scrupulously well-dressed, and took pleasure in speaking French, an unusual accomplishment for a Paraguayan. But as the distance between himself and supreme power vanished, he cast aside all these artificial parts of his character, till at length in his Dictatorship he stood alone, heartless, remorseless, cruel, vindictive; without love, without fear, and without mercy.

The means by which this consummation was brought about are simple: the elective body was made the instrument of its own slavery. At no time were the Paraguayan representatives very fit for their high mission. A large majority of them were country gentlemen, all whose hopes and wishes were centred in their tobacco and yerba, and who looked upon their senatorial duties as a great trouble. A few lawyers and merchants, and others, partisans of the deposed Junta, made up the number. But their opposition was clearly too weak to be of any effect against the voices of the countrymen, who



were always anxious to get back as fast as possible to their homes and farms; and who moreover seem to have seen something like a Doctor Faustus or Albertus Magnus in Francia, who not only was a lawyer and politician, but an astronomer, algebraist, linguist, land-surveyor, and martinet besides.

With these docile instruments, therefore, he went to work, as the time for resigning his consulate approached.

"As the joint Consulship expired in October, 1814, Francia took measures for calling together a new Congress about that time. The Yegros and Cavallero party were already much dispirited; and the unceasing energy with which Francia and his myrmidons had been preparing to give the *coup de grâce* to Paraguay liberty left them with little or no doubt of his unqualified success.

"Francia proposed,—and as a necessary consequence it was resolved,—that the new Congress should consist of the monstrous and really laughable number of one thousand deputies. It was decimating the country of its heads of families, to bring that number of members of Parliament to fulfil their legislative duties in the metropolis: but Francia's *fiat* had gone forth, and the thing was to be done.

"In September the motley multitude began to give increased activity to the streets of Assumpcion. As might have been expected, more than one half of the knights of the shire and burgesses of the smaller towns, could neither read nor write—wore neither stockings nor shoes. Every one had a horse, but every one had not a coat, much less a court-suit, in which to attend the levee of the at-present condescending Consul. A jacket of white dimity, very short, and excessively tight; a bespangled waistcoat, still shorter than the jacket; knee-breeches of crimson velvet, with highly embroidered drawers hanging down to the ankle; a blue silk sash, such as you see worn by itinerant voltigeurs; potro-boots open at the toes; large silver spurs on the heels; a very small coarse hat half covering the head; and an immense queue of plaited black hair hanging down the back;—such was the singular costume of many of the gentlemen of the House of Commons which Francia had summoned for the august purpose of creating a Dictatorship.

"I do not think there were twenty Paraguayans (and not one out of Assumpcion) who knew what a Dictator meant. President, Consul, Director, Protector, and Dictator, were with them synonymous terms with the old-fashioned name of Governor, as constituted by Old Spain.—Vol. ii. p. 314-315.

"The Consul's influence and sway in the country districts was unbounded; hence his desire to swamp the votes of Assumpcion, and one or two other towns, in those of the numerous representatives of the rural districts.

"Another reason for his calling together such an overwhelming mob

of senators was, that three-fourths of them were poor men, having families depending on them for their daily bread. Such men could not afford to spend their time in cities, even with the magnanimous purpose of serving the *patria*. Charity, very literally with them, began at home; and, therefore, they might all be emphatically termed anti-protracted-sessions-members. This was what Francia desired. He wanted his work done effectually, but quickly.

"Of the thousand legislators of Paraguay, about six or seven hundred were collected together, driven into town by the comandantes,—as Pat drives his pigs along the road—unwilling and grumbling travellers."—pp. 317, 318.

"It was found necessary to convoke the Congress in the church of San Francisco, no other building being capacious enough to contain the august assemblage.

"All matters of form, election, and etiquette were settled at two preliminary meetings; and on the 3rd of October the parliamentary business commenced. The proceedings were opened by Mr. Speaker about nine o'clock in the morning; and notwithstanding all the precautions which Francia had taken, some awkward inquiries began to be made about the propriety of a Dictatorship. The services and abilities of Francia were spoken of in the highest terms; indeed, he was loaded with the most extravagant and hyperbolic praises; but it was doubted whether a Dictatorship would conduce so much to his glory as a more limited power, assisted by a national Congress. Hereupon debates commenced, and heats ensued.

"I went up myself to the church about twelve o'clock. The doors were shut, but great confusion seemed to prevail within. At last, one of the dimity-jacketed members came out wiping his forehead, and seeming to have suffered much, either from the heat of the church or from the debate.

"'How go things within, my friend?' said I to the representative.

"'Why,' replied the honest member, 'to tell you the truth, these are matters which I do not pretend at all to understand; but if I may judge from the noise (*los gritos*)—*todo va bien*—all goes well.'

"About two o'clock, as the members of Congress were still in warm debate, Francia got impatient, and very politely sent a numerous guard of honour to wait on the members. The troop was well armed, and quite surrounded the church. The hint was sufficient even for the clod-pated deputies in dimity jackets; besides, the dinner-hour was past, and hunger, as well as the *moustaches* of the *Quarteleros*, hastened a decision.

"At this juncture one of the most energetic of Francia's partisans rose, and in a stentorian voice called silence. 'Gentlemen,' said he, 'why should we waste our time here? The Carai (Lord) Francia wishes to be absolute. He ought to be absolute; and I say' (here he struck the table at which he stood with his whole force), 'he SHALL be absolute!'

"The question was forthwith put to the vote, and without one dissentient voice, Francia was invested with the Dictatorship for three years.

"The Congress dissolved itself instant; the *Quarteleros* marched to the Government House with flying colours; and Francia heard, with the malignant sneer of a devil on his face, that Paraguay was all his own.

"The insensate populace celebrated, with mirth and music, and festive meetings that night, the decision of the Congress. Alas! the low sobs and moanings of those who were destined soon to be bereaved widows and wretched orphans—the heavy sighs of the prisoners, and the groans of those whose blood was ere long to irrigate the streets of Assumpcion—ought alone to have announced that Francia was *DICTATOR OF PARAGUAY!*"—Vol. ii. p. 319-322.

That Francia ruled with vigour will not be denied; but he did not rule wisely, as the miserable condition of his country shows. Yet, like many a self-satisfied despot, sole or many-headed, he fancied himself the wisest of legislators, as he assuredly was the most energetic of executives. His policy, as regarded the people he reigned over, was to strike terror and sow distrust: the dungeon, the scaffold, and a system of espionage, as extensive as it was effective, were his instruments. His foreign policy may be gathered from one more extract, the last we shall lay before our readers.

"I had explained to Francia that it was my intention to proceed, if possible, from Buenos Ayres to England. It was his most earnest desire that I should; and you will see from his own views, as developed by himself, what mighty prospects were dawning upon his mind, and what gigantic projects were already buzzing in his busy head, in the anticipation of his being able to connect, by a league offensive and defensive, the empire of Great Britain with the republic of Paraguay.

"His Lordship the Consul,' said a young ensign, who had been despatched from the palace by Francia, 'His Lordship the Consul desires immediately to speak to you.'

"Off I marched with the aide-de-camp. On arrival at the palace, I was received with more than ordinary kindness and affability by the Consul. His countenance was lit up into an expression that almost approached to that of glee; his scarlet cloak depended in graceful folds from his shoulder; he seemed to smoke his cigar with unusual relish; and quite in opposition to his usual rule of burning only one light in his small and humble audience-chamber, there blazed in it on that evening two of the best mould candles. Shaking hands with me very cordially, 'Sit you down, *Senor Don Juan,*' said he. He then drew his chair close to mine, and desired I would listen very attentively to what he had to say. He addressed me thus:—

" 'You know what my policy has been with respect to Paraguay; that I have kept it on a system of non-intercourse with the other provinces of South America, and from contamination by that foul and restless spirit of anarchy and revolution which has more or less desolated and disgraced



them all. Paraguay is in a more flourishing (pingüe) state now, than any of the countries around it; and while here all is order, subordination, and tranquillity, the moment you pass its boundary, the sound of the cannon, and the din of civil discord salute your ears. As may naturally be anticipated, these internal broils paralyse industry, and chase prosperity from the land. Now, whence arises all this? Why, from the fact that there is not a man in South America but myself, who understands the character of the people, or is able to govern them. The outcry is for free institutions; but personal aggrandizement and public spoliation are the objects alone sought. The natives of Buenos Ayres are the most fickle, vain, volatile, and profligate of the whole of Spain's late dominions in this hemisphere; and therefore I am resolved to have nothing to do with the Portenos. My wish is to promote an intercourse with England direct; so that whatever feuds may distract the other states, and whatever impediments they may choose to throw in the way of commerce and navigation, those states shall themselves be the sole sufferers. The ships of Great Britain, triumphantly sweeping the Atlantic, will penetrate to Paraguay; and, in union with our flotillas, will bid defiance to all interruption of commerce, from the mouth of the Plate to the lake Xarayes. Your Government will have its minister here, and I shall have mine at the Court of St. James's. Your countrymen shall traffic in manufactures and munitions of war, and shall receive in exchange the noble products of this country.'

"At this point of his oration the Consul rose with great emotion, but evident delight, from his chair, and calling to the sentinel at the door, desired him to order in the serjeant of the guard. On appearance of this person the Doctor gave him a significant and peremptory look, and told him emphatically to bring *that*.' The serjeant withdrew, and in less than three minutes returned with four grenadiers at his back, bearing, to my astonishment, among them, a large hide package of tobacco of two hundred weight, a bale of Paraguay tea of similar dimensions and exterior, a demi-john of Paraguay spirits, a large loaf of sugar, and several bundles of cigars, tied and ornamented with variegated fillets. Last of all, came an old negress with some beautiful specimens of embroidered cloth made from Paraguay cotton, and used there by the luxurious as hand-towels and shaving-cloths.

"I thought this very kind and considerate; for though I could not but wonder at the somewhat barbarian ostentation in the mode of *making* the present, yet I never doubted that the accumulated native productions, now arranged in order before me, were intended as a parting manifestation of the Consul's regard. Judge, then, of my surprise (you will see it cannot bear the name of disappointment), when, after ordering his soldiers and the negress out of the room with a '*vayanse*' (begone), he broke forth in the following strain:—

"'Senor Don Juan, these are but a few specimens of the rich productions of this soil, and of the industry and ingenuity of its inhabitants. I have taken some pains to furnish you with the best samples which the country affords of the different articles in their respective kinds; and for this reason:

you are now going to England; you know what a country this is, and what a man I am. You know to what an unlimited extent these productions can be reared in this Paradise, I may call it, of the world. Now, without entering upon the discussion, as to whether this continent is ripe for popular institutions, (you know, I think, it is not,) it cannot be denied that, in an old and civilized country like Britain, where these institutions have gradually and practically (not theoretically) superseded forms of government originally feudal, till they have forced themselves upon legislative notice, in a ratio proportioned to the growing education of the majority, they are those best adapted to secure the greatness and stability of a nation. And that England is a great nation, and that its people are knit together as one man, upon all questions of momentous national concern, is undeniable.

" ' Now, I desire that as soon as you get to London, you will present yourself to the House of Commons; take with you these samples of the productions of Paraguay; request an audience at the bar; and inform the assembly that you are deputed by Don Gaspar Rodriguez de Francia, Consul of the republic of Paraguay, to lay before it these specimens of the rich productions of that country. Tell them I have authorized you to say that I invite England to a political and commercial intercourse with me; and that I am ready and anxious to receive in my capital, and with all the deference due to diplomatic intercourse between civilized states, a minister from the Court of St. James's; I also will appoint to that Court an envoy of my own.

" ' Such a treaty of commerce and political alliance may then be framed, as shall comport at once with the dignity and interests of the great empire of England, and with those of the rising state which I now rule. Paraguay will be the first republic of South America, as Great Britain is already the first of European nations. The alliance seems, therefore, natural; and how beneficial for the European state, you, Senor Don Juan, can fully elucidate and explain.'

" ' Such were the terms, and almost the words, in which Francia delivered himself of his views and aspirations in reference to an alliance with Great Britain. I stood, as you may imagine, aghast, at the idea of being appointed a minister plenipotentiary, not to the Court of St. James's, but to the House of Commons. I was charged especially not to take a private interview with the head of the executive: 'for,' said Francia, 'I know well how apt great men in England are, unless under the fear of responsibility to the House of Commons, to treat questions even so important as this, with levity or disregard.'

" ' Present yourself,' continued he, 'at the bar of the house, and there deliver my message, as of old the ambassadors of independent states delivered theirs to the senate of Rome. According to the reception which they shall give to you, one of their countrymen, and above the suspicion, therefore, of being a witness in my favour, shall be the reception (*acogimiento*) which I will extend to their ambassador to this republic.'

" ' Never in my life was I more puzzled how to act, or what to say. To refuse the Quixotic mission, and thus incur at once the Consul's displeasure,

and draw down upon my own devoted head the ruinous consequences of it, was an alternative too horrible to be thought of. The only other was acquiescence; and to this I came, in spite of the strong sense of the ludicrous which pressed itself upon me, as I drew a picture of myself forcing my way to the bar of the House of Commons; overpowering, with half-a-dozen porters, the Usher of the Black Rod; and delivering, in spite of remonstrance and resistance, at once my hide-bound bales of Paraguay merchandise, and the oration, verbatim, of the First Consul. But Assumpcion was a great distance from St. Stephen's. I therefore bowed assent to Dr. Francia's proposition, and trusted to the chapter of accidents for providing me, when the time should come, with a suitable apology for having been unable to get into the predicament which he had so graciously prepared for me.

"Having taken leave, the serjeant and grenadiers, heavily laden, followed me home; where I not a little astonished the new-comer, my brother, with the account of the diplomatic interview to which I had been called. I bade defiance to his scepticism on the subject, by making the soldiers unload at his feet the ponderous physical evidence, by which I sustained the truth of my tale.

"At a subsequent interview, Francia made out a long list of commissions for me to execute. I was to bring him gold lace, a cocked hat, a dress-sword, a pair of double-barreled pistols, sashes, sabres, soldiers' caps, musical and mathematical instruments, with a very protracted detail of *et ceteras*. About the procuring of these, however, I had by no means so many misgivings, as in regard to my power of persuading Mr. Speaker and the House of Commons to accede to the political and commercial league, of which the Consul was so full."—Vol. ii. p. 278–287.

We have called Francia the Robespierre of Paraguay; perhaps in this we wrong the French tyrant; his danger was more continual and his cruelty more justifiable. Francia did not live in the dangerous proximity of a Danton or a St. Juste, and the poor kind-hearted Paraguayans bore no resemblance to the sanguinary *sectionnaires* of Paris. Yet the South American Dictator went to his grave in peace:—the Frenchman left his head upon a scaffold. With the fall of Robespierre ceased the hideous reign of terror: what futurity has in store for Paraguay we will not attempt to prophesy; perhaps the fate that has befallen Texas and threatens Mexico. We take leave of our authors with cordial pleasure, heightened by their promise of a further series of "Letters." Should the forthcoming volumes equal these which we have reviewed, the whole series will form one of the most agreeable records of travel which it has been our good fortune to meet with.



## ARTICLE VI.

*Railroads in France.*

*De l'Exécution des Chemins de Fer par l'Etat, Paris.* M. J. BURAT, 1838.

*Des Intérêts Matériels en France.* Par M. MICHEL CHEVALIER, Conseiller d'Etat. 8vo. 1838. Paris.

Mémoires publiés :—1. *Sur le Chemin de Belgique, par MM. les Délégués de St. Quentin.* 2. *Par la Compagnie Soumissionnaire du Chemin de Paris à Rouen, par la vallée de la Seine.* 3. *Par la Compagnie Soumissionnaire du chemin de Paris à Rouen, par les plateaux.* April, May, and June, 1838. 4to. Paris\*.

*Second Report of the Commissioners appointed to consider and recommend a general system of Railways for Ireland.* (July.) 1838.

THE first years which followed the Revolution of July 1830 were not years of prosperity to France: the internal disturbances which called out the national guard and the army to do battle with insurgents in the streets of Paris, the uncertainty of the maintenance of peace in Europe, the fluctuations of public credit, and the barbarous prejudices maintained by her custom-house laws, were the causes which checked the spring of her commerce and her manufactures. Within the last three years political disturbances have ceased; the tariff of the French *douanes* has been improved in some respects; and a fever of speculation has seized the country, which sweeps everything before it in the pursuit of wealth by the increase of labour.

This change has already produced results not undeserving of attention: the public revenue has risen 122,000,000 *francs*, or nearly £5,000,000 sterling, since 1830. The increase of commerce—amounting to 36 per cent. in the last ten years—

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\* The reader may be referred, for further information on these subjects, to M. Léon Faucher's essay "*De la Souscription directe dans les Entreprises de Travaux Publics*," published in the *Revue des Deux Mondes* for June 1838; to the Reports addressed to the French Government by MM. Vallée, Défontaine and Kermainget, on the proposed lines of railroad; and to the Reports addressed to the French Chamber, on the same subject, by MM. Dufaure, Vivien, Colbère, Arago, &c., all made in the present year.

in France, has been surprisingly great, although it is still far from approaching the commerce of Great Britain; and, lastly, the spirit of joint-stock companies, heretofore almost unknown to the French, has spread with such uncommon rapidity, that, without reckoning the number of companies incorporated by the *Conseil d'état*, the capital of the joint-stock companies, called by the French *sociétés en commandite*\*, amounts (if the money engaged in them was all paid up by the shareholders) to more than a milliard of francs, or £40,000,000 sterling.

But the principal efforts of the government, of the local authorities, and of private companies, have been directed to the improvement of the means of transport. Before 1830, France was far behind most of the countries of Europe in respect to roads and canals. The Royal Roads, as they are termed, which are the great arteries of communication, were barely passable, and in many places absolutely deficient; the departmental roads, which are the principal branches from them, improved very slowly for want of money; and the cross-roads (*chemins vicinaux*) were broken up by the slightest rain to such depths of mud, that the farmers could not bring their produce to their market-town without a supernumerary team of horses. The manufacturing districts, unlike the country about Manchester and Birmingham, were not intersected by numerous canals to convey their goods from the very doors of the factories; and the French manufacturers attributed the disadvantageous circumstances under which they were compelled to sustain the competition of foreign producers, to the dearness and the difficulty of the means of transport which they could command.

In France the government undertakes to execute what is done elsewhere by private individuals or companies. The sumptuous, though inconvenient, roads which lead the traveller to the approaches of Paris, were constructed by Louis XIV. Napoleon prolonged them and kept them in repair; and by instituting the Board of Works (*Administration des*

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\* The kind of company which the French call a *société en commandite par actions*, is peculiar to France. The shareholders are divided into two distinct classes: 1. the directors or members of the company (*associés en nom collectif*), who have the responsibility and the conduct of the undertaking: 2. the shareholders (*associés commanditaires*), whose liability does not extend beyond the amount of the shares they hold.



*Ponts et Chaussées*), it was his intention to furnish the state with an instrument always ready to execute his great projects of public improvement\*. With these precedents, it seems natural that the government, after the revolution of 1830, should have proceeded in the work of completing the roads and canals already begun in France,—a work which it was alone competent to undertake.

The current estimates of the French Board of Works, which amounted to 40,000,000 *f.* (£1,600,000) in 1831, were raised to 45,000,000 *f.* (£1,800,000) in 1837. This very considerable sum is devoted to the maintenance of the roads, bridges, and canals. An engineering overseer, who is attached to the administration of each department, directs and manages the works to which the money is applied. Besides these current estimates, a law, passed in 1833, gave rise to a vote of extraordinary supplies for public works which provides for the more important repairs, the completion of undertakings still unfinished, and the construction of new lines of communication. This additional vote, which has been increased by similar laws passed in the years 1835, 1836, 1837, 1838, has now reached as large a sum as 350,000,000 *f.* (£14,000,000 sterling). Out of this fund the Chambers have granted 27,000,000 *f.* for the improvement of the harbours; 64,000,000 *f.* for the amelioration of the river navigation; 63,000,000 *f.* for the completion of the canals begun in 1832,

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\* It is hardly irrelevant to allude, in this place, to a book which we have for some time desired to notice, as equally creditable to the spirit of its author, and the taste with which it has been gotten up. It has been prepared for publication by M. Céard, the son of the enterprising engineer, who realized one of Napoleon's boldest conceptions, and, with wonderful sagacity and celerity, "carried," to use the emperor's expression, "cannon over the Simplon." The great Simplon road has been imitated and surpassed, since it was made, by other passes of the Alps in Switzerland and the Tyrol, which have been rendered practicable by the able engineers of the Austrian service; but its history, which is very pleasingly narrated, and picturesquely as well as scientifically illustrated, in the "*Souvenirs des Travaux du Simplon*," derives a powerful interest from its being the first great and successful attempt to render the wildest fastnesses of Nature accessible alike to the humble traveller and the mightiest host, to elude the dangers of the elements, to make the roughest places of the earth smooth, and to unite, by the design of genius and the patience of art, the southern with the northern lines of European intercourse. It is not uninteresting for the traveller, who has just been easily conveyed from Brieg to Domo d'Ossola, to find that 40 years have not elapsed since M. Céard was scrambling through the snows of the Simplon, with no other guide than his pocket-compass, and no better support than his unconquerable perseverance, and the commands of the First Consul.—We believe that some copies of the work have reached England, and may be seen at Bailhere's in Regent Street.



to which has been added a vote of 85,000,000*f.* for a lateral canal to the Garonne between Toulouse and Bourdeaux, and a junction-canal between the Marne and the Rhine; lastly, the high-roads have obtained a grant of 107,000,000*f.* The *conseils-généraux* in the departments have shown themselves ready to follow up these measures; and the sums which they have voted for the extension of the departmental roads cannot be calculated at less than 60,000,000*f.* When the works now undertaken, and in progress, are finished, there will be in France nearly 8000 leagues of high-roads of the first-class (*routes royales*), 8500 leagues of high-roads of the second-class (*routes départementales*), and 850 leagues of canals. An unbroken line of internal navigation will be opened from Hâvre to Marseilles, and from Strasburgh to Hâvre: and it must be owned that there are few instances of such great efforts made by any nation within the narrow limits of a few years.

The principal deficiency in the means of communication in France is celerity, and the consequent saving of time. The French diligences rarely attain a speed of more than two leagues per hour. The steam-boats have great difficulty in ascending against the stream of the larger rivers. The only canal on which the system of fly-boats has been borrowed from the Scotch and English canals, or at least borrowed with success, is the Canal du Midi, from Toulouse to Cette. The mails indeed are transported at an average speed of three leagues an hour; but they still require four days to cross the kingdom in its widest extent from north to south. The use of the telegraph is confined to the business of the government; and the great object of modern improvement is to facilitate the intercourse of man for the business of daily life. France, with her vast extent of territory, is evidently one of the countries in which rapid communications are most imperatively required. But France is notoriously behind other countries in this very respect. The railroads\* which have

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\* The railroads executed in France are:

From St. Etienne to the Loire .....	5½ leagues.
From St. Etienne to Lyons .....	14½ —
From Andrézieux to Roanne .....	16½ —
From Epinac to the Canal of Burgundy .....	7 —
From Paris to St. Germain .....	4½ —

of these the railway from Andrézieux to Roanne is insolvent; and the railway

been executed up to the present time are extremely inconsiderable, and the railroads at this moment in execution are for very short distances; their whole united length not exceeding 44 leagues. Before the session of the present year, no company had ever seriously proposed to undertake a railroad of any considerable length, without the assistance of the Treasury: and throughout the session, the Chambers, the Government, and the capitalists were in the greatest state of indecision as to the result of these undertakings. Were the proposed railroads safe or dangerous speculations? Should they be executed by the State, as has been done in Belgium, or should they be abandoned to private enterprise and the offers of trading companies? If such companies were allowed to undertake these works, ought they to be left to their own resources, or assisted by the Treasury? Would it be more advantageous to adopt at once the proposals of any particular company, or by opening the undertaking to competition to obtain from the shareholders a reduction either in the term of their monopoly, the rate of their charges, or the amount of the pecuniary assistance they might claim from government? Such were the difficulties which were to be solved; and the questions to which they gave birth were of so novel a kind, that no one was ready or able to give them the decisive answer of a settled opinion.

And here, though we may deplore the numerous barriers which seem hitherto to have checked the progress of public works in France, the apathy of the public (which for a time, however, gave way to the opposite extreme), the local prejudices of the deputies, the disadvantages of the centralized system in operations of this nature, and the tedious proceedings of the legislature and the *conseil d'état* on all public undertakings, we cannot but derive a lesson of some utility from the contrast of these negative defects with the headlong impetuosity with which similar projects are set on foot by the people and sanctioned by the legislature of this country. It is not our purpose to dwell upon the mysteries and malpractices of railway bills, they are chiefly of a local and per-

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to St. Germain, with a part of the railway from Lyons to St. Etienne, are the only roads adapted for locomotive engines in the whole country. The others are little more than the lines for tram-carts which have long existed in our mining districts.

sonal nature, and deserve little more than our contempt. But we are persuaded that the time is not far distant when the public will find to its cost that in those controversies between rival lines, hostile engineers, and jealous landowners, there was no one to raise a voice for the general interests of the community, no one who attempted to lay down the true principles of social economy which ought to have regulated so very important a change in the means of communication. If such principles had been duly debated and recognized, the railroad monopoly would have remained the servant, instead of becoming the mistress of the public; vested rights of a *perpetual* character would not have been allowed to accrue to any of these speculations, and we should not have been driven to the dangerous resource of *ex post facto* legislation to obtain for the public service those advantages which ought to have formed the original conditions on which such bills were allowed to pass.

Unlike our government, however, the French administration had adopted a system; though such was the complexion of the government plan, that it was held to be imprudent to acknowledge it to the public. It was the secret intention of the administration to execute the railroads as it had undertaken to execute the high-roads and the principal lines of navigation; but the time was over when such pretensions to the monopoly of state-labour could appear otherwise than monstrous in France. Indeed it had been distinctly understood by the Chamber, which voted a sum of 500,000*fr.* (£20,000) by the act of June 27th, 1833, for the purpose of surveying the intended lines of railroad, that these national surveys should be made over to such companies as might afterwards undertake the execution of the works. Accordingly it was not till the 8th of May, 1837, towards the close of a stormy session, that the government, after having excited the liveliest expectation by its protracted delay, brought in six bills for as many different railroads, all planned on the most different and even inconsistent principles. The four principal lines were intended to run from Paris to Brussels, Paris to Rouen, Paris to Orleans, and Marseilles to Lyons: their united length amounted to 230 leagues of railroad.

The only condition common to all these proposed lines was,



that the government, in order to encourage private companies to execute the great railroads of the kingdom, offered to assist their undertakings with the funds of the Treasury. The mode in which this assistance was to be granted, and the extent to which it was to reach, were regulated in the bills of the government by conditions which were merely variations of the same general design. Thus the Belgian line was to have an absolute grant of 20,000,000*f.*, amounting to 25 per cent. on the total estimate of the cost; whilst the government was only to contribute 7,000,000*f.*, or 18 per cent. to the execution of the railroad to Rouen; and 3,000,000*f.*, being in the proportion of only one-tenth of the expenditure, to the works between Paris and Orleans. Nor did these variations stop here. In these three concerns, the assistance of the government was in the form of a grant or absolute bounty offered to the adventurers; but a different system was proposed for the road between Lyons and Marseilles. There, instead of joining its capital to the capital raised by the shareholders, the government proposed to interfere under the form of a guaranty, and to insure the company from all risk of loss accruing from the works they had undertaken to execute. By the second clause of the Lyons and Marseilles railway bill, the state guaranteed for thirty years a minimum interest at 4 per cent., on a capital of 70,000,000*f.*; that is to say, that if the net profit of the railroad did not amount to 4 per cent., the Treasury should make up the difference to the shareholders. But the liability of the Treasury went still further; for it might happen that the total receipts of the railroad should be insufficient to defray all the costs of repairs of locomotive engines, in which case the state would have had to pay something more in addition to the 4 per cent. interest on the capital!

In a country like France, where joint-stock companies and the marvellous results of combined capital are in their infancy, it was no unwise project to sustain the efforts of private speculators, even at the cost of some public sacrifices. But the Chambers were disgusted by the very first attempt made to apply this principle. It was impossible for the legislature to approve the system of an absolute pecuniary grant, which could have no other effect than to give the shares a

fictitious value on the Stock-Exchange, and to place a bounty in the hands of the original shareholders. The other system, which proposed to give public security for the interest of the capital, was open to objections of no less gravity, since it had a tendency to substitute the liability of the state for the liability of the adventurers, and to deprive them of the strongest spur to exertion, by relieving them from all apprehension of loss. The legislature was therefore frightened, and not without reason, by the extent of these liabilities, which the minister proposed to impose on the country; and the only railroads which it fairly took into consideration were, the line from Mulhouse to Thawn, which a company proposed to execute without any assistance from the government, and the line from Alais to the mines of Grand' Combe, in continuation of the line between the valley of the Rhone and the coal-fields of the Cévennes, which was intended to supply the towns on the Mediterranean with coal-fuel.

But another consideration operated strongly upon the French Chamber of Deputies to induce them to throw out the proposals of the administration,—a consideration which we can hardly comprehend, unless we call to mind the ardent hostility of the democratic party in America against the chartered bank of the United States. The same feeling undoubtedly showed itself in France; and however little the Chamber might care for the system which intrusts to the government alone the care of executing these great enterprises of public improvement, it was readily deterred from abandoning the more important of these undertakings to private companies, by the fear, either that such companies would fail in the work, or that, if they proved sufficiently strong to accomplish it, their directors would constitute a new and formidable kind of aristocracy, which might destroy, or at least compromise, the unity of the administrative power in the country. We shall quote some passages from M. Dufaure's Report on the Lyons and Marseilles Railroad, where these notions are very clearly and frankly expressed.

“ We become more and more attached to that unity of our nation which was organized by the labours of the Constituent Assembly fifty years ago. Our laws, our manners, and our customs, tend to strengthen it day by day. The limits of our former provinces have disappeared; the vestiges



of their ancient idioms are vanishing; and the epochs of their gradual agglomeration are now an almost forgotten history. Mingled as they are in the camp and in the school, under the same masters and under the same standard, the French of the North are now the brethren of the French of the South; and everything which tends to rivet these bonds of our social unity more closely, serves the most urgent interests of the country. Nothing can contribute more actively to this result than the great lines of railroad, those astonishing channels of traffic, which bring the population into rapid intercourse, and intermingle the produce of their territories and of their occupations. The extremities of France will be brought more together, and more united, when less than three days will suffice to go from Lille to Marseilles, and from Strasbourg to Bordeaux.

"In the centre of these lines of communication is placed the capital of the kingdom, and another powerful interest of the community is thus satisfied: the action of the central authority, which is too often wasted by the minute details of local interests, would become more rapid and more powerful than ever in those matters which ought really to call for its attention: nor can it be reckoned an advantage of light importance to direct this action with the greatest celerity upon all the frontiers of the kingdom, and to convey, in a single night, a detachment of fresh troops in perfect readiness for battle, from Paris to the banks of the Rhine, or from Lyons to the foot of the Alps.

"We are therefore of opinion that the principal lines of railroad communication, intended to unite the North and the South, the East and the West, and Paris with the outports of France, are matters not only of commercial but of national interest; and that it is right that *the government should cause them to be executed with all the resources of science and of zeal which it can command, that these lines should belong to the government with the power, at pleasure, and without consulting any private interest, of keeping them up, using them, or, if the misfortunes of the country should demand it, of destroying them.*"

It is perfectly clear that M. Dufaure regards railroads as political instruments rather than as public conveyances. He holds that a government is just as much at liberty to destroy a railroad as to suppress a telegraph; and thus to check, by a mere nod, the most imperious requirements of business and civilized life. But M. Dufaure does not appear to have inquired whether any government, having made a railroad, can remain in possession of the means required to manage it; or whether any government will undertake the execution of a work which must afterwards be used and managed by others. The passage we have cited expresses an opinion, somewhat enthusiastically rendered, but very dangerous in principle; and the government was but too ready to adopt



that very opinion, which perfectly suited its own private interests. M. Dufaure went on to express his apprehensions that these companies, invested with the power of laying down the great railroad lines, would exercise a monopoly of conveyance; that the vast number of places in their gift would multiply their dependents to a formidable extent; and that the chief influence in the country would gradually be acquired by the wealthy capitalists. He maintained that the government ought, at least, to select one important line, in order to give the private companies a model or standard for all the improvements which railroads still require. But after all these suggestions, he concluded, with singular deference to public opinion, by observing that "these undertakings would demand a very considerable expenditure of public money; that the Chamber would probably hesitate before it assented to sacrifices of such magnitude in the present state of the finances of the country; that the general opinion of the country, whose weight could not be overlooked, was in favour of the railroads executed almost exclusively by private companies; and, in short, that the government would not execute these works, but give them over to be executed."

We have dwelt on these opinions of M. Dufaure because they have been made the pretext, or rather the starting-point, of the railroad bills which were subsequently presented by the French administration in the session of 1838. On the 15th of February, the ministry, feigning to believe that the opinion expressed in the name of a committee of the Chamber might be taken for that of the whole body, came down to that house to propose a general system of railroads, absolutely and entirely under the control and monopoly of the government; and the debates which arose upon these proposed measures afforded scenes which it may not be uninteresting briefly to retrace.

Railways in France are not only destined to increase to a very great extent the celerity and frequency of the means of intercourse; they will also produce a considerable saving on the cost of transport by the conveyances now in use. The average fare for travellers by the ordinary public coaches or *diligences* is 50 centimes, fivepence, a league for each passenger; and the fare by the *malle-postes* is half as much more,

or 75*c.* per league. On the navigable rivers the charge of the steam-boats is about 25*c.* per league; and the post-boats which ply on some of the canals give an average of 30*c.* per league. We collect from the official documents quoted in the Report or *Exposé des Motifs*, which served as an introduction to the railway bills, that the freight of a ton of goods varies from 25*c.* to 48*c.* per league on the canals and navigable rivers; the carriage of a ton of goods by the ordinary *roulage* or wagons, now in use on all the great roads, is 80*c.* per league; and by the *roulage accéléré* or vans, this charge rises to 1*f.* 50*c.*; lastly, the carriage of a ton of goods by the public coaches costs 4*f.* per league: yet even with this heavy charge, most of our readers will recollect the astonishment with which they have surveyed the mountainous proportions of the baggage and merchandise on the *diligence* about to transport them across the country.

It is ascertained that the French railways will be able to convey a ton of goods at the rate of 60*c.* per league, and each passenger at about 30*c.* for the same distance. If these data be correct, and they appear to have been generally admitted to be so in the discussions upon the question, it is evident that railway conveyance in France, for goods as well as for passengers, will offer the double advantage of economy as well as despatch over the system of commercial transport now in use. As the average rate of conveyance by water amounts to about half the anticipated charge of the railways, the navigable lines will naturally continue to convey all the bulkier kinds of goods. But imperfectly supplied as France is with a system of canals, it is evident that the railways will supersede the *roulage*, and become the general means of conveyance for all the articles of a less ponderous and more valuable description which are the objects of commercial speculation. In England the railways have had to compete, in the conveyance of goods, with the most perfect system of canals, the best roads, the best horses, and the greatest facilities of communication by ordinary means, which have ever existed; and accordingly we are told that their profits cannot be derived from the transport of such goods as may still be conveyed by the old system. But in France, where the state of public conveyances of all sorts is very different, it is probable that the

railroads will have great and real advantages for almost all purposes over any means of transport by the old system which that country possesses, or is now likely to possess.

The facts which we have cited will suffice to explain the purport of the system of railways which the French government had conceived. Two general principles were to regulate the execution of this vast scheme.

"Our first consideration, said the Minister of Commerce in his *Exposé des Motifs*, was, that as railways are principally intended for the conveyance of passengers, it is desirable to connect Paris, as the seat of government, with the great centres of population.

"In the second place, France is naturally destined to become the channel of considerable transit from the Atlantic to the Mediterranean, and *vice versa*, and from the Atlantic, as well as the Mediterranean, to the frontier provinces of Germany, Switzerland, and Italy. It was therefore necessary that the lines of these two great passages of transit should form a part of the scheme whose execution must be considered as intimately connected with the highest considerations of public interest. On these twofold grounds the following lines of railway have been determined upon by the administration.

"1. The line from Paris to Rouen and Havre, with a branch to Dieppe, Elbeuf, and Louviers.

"2. The line from Paris to the frontier of Belgium, by Lille on the one hand, and by Valenciennes on the other, with a branch to Abbeville, Boulogne, Calais, and Dunkirk, by the valley of the Somme.

"3. The line from Paris to the frontier of Germany, by Nancy and Strasbourg, with a branch to Metz.

"4. The line from Paris to Lyons and Marseilles, with a branch to Grenoble.

"5. The line from Paris to Nantes and to the western coast, by Orleans and Tours.

"6. The line from Paris to the frontier of Spain, by Orleans, Tours, Bourdeaux, and Bayonne, which will join the railway to Nantes as far as Tours.

"7. The central line from Paris to Toulouse, by Orleans and Bourges.

"8. The line from Bourdeaux to Marseilles by Toulouse, with a branch to Tarbes and Perpignan.

"9. The line from Marseilles to the eastern frontier, by Lyons, Besançon and Bâle, which will join the railway from Marseilles to Paris as far as Lyons."

This last-mentioned road was to have been completed by a railway from Bâle to Strasbourg, which the government proposed to grant to be executed by a company represented by M. Nicolas Kœchlin, the deputy for the Haut-Rhin. This scheme for the great lines which was traced out by the go-



vernment, extended to a length of 1100 leagues of railway, without reckoning the branch roads. The cost of execution was estimated by the framers of the project at 1,000,000,000*f.* (40,000,000*l.* sterling) or 909,000*f.* per league; but this estimate evidently falls below the probable expense. M. Michel Chevalier shows that the system upon which the French companies are to construct their railways is similar to the one adopted on our lines from Liverpool to Manchester, Birmingham to Manchester, London to Birmingham, and the Great Western Railway.

The average cost of railways is not yet very accurately determined, and it appears to vary as much as from 10,000*l.* to 40,000*l.* per mile. The Irish Railway Commissioners have computed, from the estimates of forty-eight railways brought before Parliament last year, extending to a united length of 1233 miles, and to an estimated cost of 19,352,726*l.*, that the average cost would be 15,695*l.* per mile,—a sum which does not much exceed the estimate of the French government; but the Commissioners go on to say (2nd Report, p. 54.), that, “judging from the experience furnished by those already “executed, the expense will scarcely fall short of 20,000*l.* per “mile.” This calculation would bring the French ministerial project to cost 55 millions sterling; which, however, might be somewhat reduced by the fortunate absence of excessive parliamentary expenses, which have sometimes amounted in England to 1000*l.* per mile, and of exorbitant demands for compensation by proprietors, which the French law of *expropriation* is well calculated to check.

But independently of all other considerations, the French treasury is already burdened with the annual grant of 45,000,000*f.* for public works, and by an extraordinary annual vote of 40,000,000*f.* more, which may be expected to be renewed for the next six years at least; and with these existing charges it was hardly in a condition to meet an outlay which, even if spread over the estimates of twenty years, would have demanded so very considerable a sacrifice. In other words, it might be questioned whether France could afford to devote 5,000,000*l.* or 6,000,000*l.* sterling per annum to public works. On this point it may be well to notice the avowals of the French government in the *Exposé des Motifs*.

" It would be hardly prudent to involve the country in an expenditure of such magnitude. If it was necessary to undertake the whole scheme at once, and to complete it within a limited space of time, the Treasury, called upon to satisfy so many different claims, would be unable to furnish the funds required by such an enormous mass of operations. But, fortunately, although all these lines are of great utility, they are not all equally urgent, or, we may say, equally opportune. It is evident that a government which endeavours to confer upon the territory all the improvements which it is capable of, and which actively promotes all undertakings for this purpose, ought nevertheless to distribute them with such measure and prudence as to prevent their mutually hurting each other. In those parts of the country where great works are now going on for the improvement of navigation, sources of prosperity will be opened to those districts and to the country at large, which may enable them to wait more patiently for the benefit of railways; and the solicitude of the government ought rather to be directed to those parts which are at present in possession of the means of land-communication only."

Upon these grounds the minister proposed to defer the execution of the following lines:—of that from Paris to Lyons, because communications between those cities may be established by the Seine, the Yonne, the canal of Burgundy, and the Saône;—of that from Paris to Strasbourg, because a canal is about to be undertaken across the same line of country;—of that from Tours to Nantes, because steam-boats already ply between those places;—of that from Bordeaux to Marseilles, which will be placed in easier communication by the lateral canal of the Garonne;—and of those from Bordeaux to Bayonne, from Lyons to Bâle, and from Amiens to Boulogne and Calais. At the same time the government proposed to execute at the public expense four great lines: from Paris to the Belgian frontier, which would be common to the communications between London and Paris as far as Amiens, a distance of thirty-six leagues; from Paris to Havre and to Dieppe; from Paris to Bordeaux by Orleans and Tours; and from Lyons to Marseilles, following the banks of the Rhone to Arles, and from Arles the sea-coast. These lines extend over 375 leagues, the cost of which was estimated by the government at 350,000,000*f.*, (14,000,000*l.* sterling), but which cannot be fairly estimated at less than 600,000,000*f.* or 24,000,000*l.* sterling.

It should be observed, that, even in this project of the government, it was not proposed that the state should execute



the whole extent of the lines marked out. The road to Belgium was the only one which the administration offered to construct without any interruption; but on the road from Paris to Hâvre it only proposed to execute that part which extends from Paris to Rouen; the road to Bordeaux stopped at Orleans, at twenty-eight leagues from Paris; and that from Lyons to Marseilles went no further than Avignon. The whole distance, then, proposed for immediate execution, did not exceed 165 leagues of railway, nor the whole expense some 200,000,000 or 250,000,000*f.* An amusing and somewhat characteristic falling-off from the bombastic grandeur of the schemes which startled our readers in the last page. But even this was not all. For these scattered fragments of unconnected railways, the government proposed supplies which were palpably insufficient to carry on the works with tolerable activity. The vote for the year 1839 was to have been 14,000,000*f.*; a sum which, if the same grant were annually made, would not defray the total expense in less than fourteen years. Fourteen years would France have spent in obtaining four roads, when, in less than six years, even Belgium will have covered her territory with railways in every direction.

Such was the proposal of the French government, which was attacked by the press with vehemence, and received by the Chamber of Deputies with disapprobation. M. Berryer moved for a select committee of eighteen deputies, an unusual number, to investigate with the utmost deliberation the ministerial proposal. This committee was appointed not only to inquire into the expediency of adopting or rejecting the particular plan then laid before the Chamber, but to determine the principle which ought to govern the execution of great public works in France; to discriminate the part of the government from that of the companies; to fix the securities which the state should have a right to claim from private companies, and those which it ought to afford to the shareholders, for the performance of their reciprocal engagements. Under the influence of these notions the most eminent men of all parties were put upon the committee. MM. Duvergier de Hauranne, Jaubert, De Rémusat, three distinguished *doctrinaires*; M. Berryer, the most celebrated organ of the



legitimist party; M. Cordier and M. Arago, of the extreme liberals; and M. Odilon Barrot, of the constitutional opposition; M. Thiers, the real prime mover of all the shades of opposition which have coalesced; several other distinguished members of moderate politics, and M. Bérigny, who is an engineer connected with government. Of these eighteen members, M. Bérigny, a superintendent of a department of the *Ponts et Chaussées*, and M. Jaubert, who then aspired to become the Director of Public Works, were the only two who were in favour of the government measure. M. Thiers, M. Duvergier de Hauranne, and M. de Rémusat, though they are partisans of the system which places the execution of great public works in the hands of the state, were nevertheless of opinion, that as several powerful companies proposed to execute certain railways, they ought to be allowed to try their strength and their credit. Thirteen members of the committee were more or less radically adverse to the measure proposed. The ministry was shaken in its purpose by so formidable a resistance; but, on the other hand, it clung fast to the advantages it anticipated from the employment, by the state, of a large body of labourers; and whilst it abandoned some portions of the scheme, M. Molé, in answer to a direct question put to him by M. Barrot, whether if one of the roads, which no company had yet proposed to execute, was made over to the government, certain other railways would be made over to the companies, declared that the government would never consent to allow a joint-stock company to execute the railway through Lille and Valenciennes to Belgium. It does not appear for what reason the government insisted upon the Belgian line, when the committee seems to have been inclined to give up to it the important line to Strasbourg; but the whole debate was conducted with a strange forgetfulness of the practical interests at stake, though the committee arrived at a sound principle, in giving as its opinion, that the state ought only to intervene, in public works, in those cases in which private enterprise had been baffled. This committee sat for more than two months, from the 15th February, 1838, when the measure was brought in, to the 24th April, when M. Arago read the report to the Chamber. The whole of this time had been very actively

employed in daily and protracted discussions and inquiries ; the result of which was an almost unanimous report against the whole measure. The motives of this resolution were very ably set forth in M. Arago's report, in which we trace many sagacious views on this novel branch of legislation, and no unfrequent allusions to the system, however imperfect it may be, upon which public works are undertaken and performed in this country.

The committee in the first place censured the distribution of labour which the government proposed ; and it rejected the execution of several lines at the same time, by which they might all be delayed for twelve years, and the improvements which may be introduced in that interval could not be applied to those roads. The bold experiment which M. Brunel has put into execution on the Great Western has excited much attention among the French engineers ; and M. Arago observed, that the most serious inconvenience might arise if the railways to be begun in 1838, upon the old scale, should approach their completion at a time when the gigantic line of the Great Western, with 7 feet breadth of way, and wheels of 8 or 9 feet diameter, should be acknowledged to possess superior advantages.

"The government," said that distinguished individual, "calls upon you to put four lines in execution at the same time. For the sake of argument, let us suppose that they are all of the same length, and that the works are to take twelve years. The head of each of these four lines will be begun on the system which is adopted at the present time. But in the second, third, and following years, the engineer will be debarred, by the work which is already completed, from taking advantage of the improvements which will unquestionably be made in so considerable a space of time. The four railways to be finished in 1850 would have all the defects of those made in 1838.

"But if a different order be followed in these works, the inconvenient results of the plan we have been discussing will become still more obvious. If all our resources and means of execution are devoted to one of the four lines, it may be finished in three years. When that line is opened in 1841, it will indeed preserve all the defects of the art of engineering in 1838 ; but it is self-evident that the second line will be begun with all the advantage of those innovations which theory and practice will have introduced in the three preceding years ; six years of experience will in like manner precede the undertaking of the third line ; and the fourth, to be completed in 1850, will be only three years behind the date of its termination."

In these remarks M. Arago seems to have confounded the two kinds of improvements of which railways are susceptible; the first being of a nature to affect the width or disposal of the whole line, whilst the second (such as the improvements in the nature and position of the sleepers, &c.) may be tried and introduced at any part of it. He also omits to mention the importance of time in all great works of this kind, to ensure the solidity of the embankments; and although the period of twelve years appears preposterously long to us who have witnessed the magical creation of railways in England, it can hardly be doubted that four railways executed in twelve years would, on some accounts, be preferable to one railway completed in three.

The report then proceeded to consider what share of these works ought to be reserved to the government, and what made over to private enterprise. It contested, perhaps too absolutely, the utility of the great railways for the transport of troops, and for the transit of foreign merchandise. The latter item does not at present exceed 34,000 tons for the whole of France, though it may be increased to a very considerable extent. But in the comparison of the system recommended by the committee with that proposed by the government, all the advantage is on the side of the former.

"In our opinion," said M. Arago, in the name of the committee, "the execution of railways, whether of great or of small extent, ought to be entrusted to the spirit of private association wherever it has produced companies of a steady, strong, and moral character. The direct influence of the government ought to be reserved for those parts only on which, notwithstanding the strong interest which the nation may have in the execution of such works, no offers have been made by private companies, either on account of the uncertainty, or, we go so far as to say, the probable inadequacy of the profits. A committee honoured, as we have been, by the confidence of the Chamber, cannot have entertained the unjustifiable purpose of subjecting undertakings, upon which the well-being and security of the country may depend, to the interested pleasure or the capricious consent of joint-stock companies. But, deeply and decidedly as we feel upon this point, we are not less convinced of the necessity of setting limits to that spirit of monopoly which prevails but too exclusively in the administration of France."

The committee then went on to point out the inconsistencies of the conduct pursued by the administration, which chose to assert, in 1838, that the execution of the railway to



Belgium by a joint-stock company would put in jeopardy "the commercial destinies of France, her military power, her relations with a neighbouring country, and, perhaps, even her internal tranquillity;" when the same government had proposed, only the year before, to make over that very railroad to a company, at the head of which was M. Cockerill, a foreigner; and when, at the same time, it was proposed to execute the railway communication with England by a company, of which Mr. Adam, a banker at Boulogne, was a leading director; and, again, when in the very teeth of these alleged reasons of state, the government had consented that a company should execute the line from Strasbourg to Bâle,—a line second to none in political and military importance, since it runs along the most exposed frontier of the country.

The committee contested with success the advantages which the government affected to possess over private companies in the execution of public works. In the first place, they observed, the government engineers have received a purely scientific education, and they are wholly destitute of that commercial education which is essential to the successful completion of these undertakings. Hence has arisen the imperfection of all the government plans for railways, which, instead of following the valleys and passing through the centres of the population, have laid down their lines along the higher plains, where the population is less dense and unemployed in manufactures. The government had alleged that, as it had no personal interest to serve, it could afford to open the railways to the public at a much lower rate; but, as the committee remarked, the government would be compelled to farm the railroads, and to grant them to the lessee at such a rate of carriage as would ensure an ample return for the risk and the capital of the machinery used upon the roads.

It would be very wonderful if the spirit of association, impeded, as it has been in France, by laws which almost amounted to a prohibition, had achieved any great results in that country. But, notwithstanding these hindrances, a degree of sagacity and perseverance has been displayed by some private companies which the administration has rarely exhibited in its undertakings. We find, in one of the works

before us, M. Burat's Essay on the Execution of Railways by the State, some details on this subject which were only alluded to in the Report of the Committee.

"One of the first disadvantages resulting from the execution of public works by the state is, that they are subjected to all the chances of interruption from political or financial occurrences which must necessarily arise in a certain period of time. If wars break out, or the Exchequer is in difficulties, whilst these works are going on, the government will soon neglect them to turn its resources to meet wants which it may deem more urgent: the undertakings already commenced will be continued without order or conduct, the works themselves will fall into decay, and the ruins will be barely kept up to sadden the country which they were intended to enrich. It was thus that, before 1789, and during the wars of the Revolution and the Empire, a sum of fifty millions was squandered on the canals, which will be finished in consequence of the laws subsequently passed in 1821 and 1822. The canal of Burgundy, which was projected and begun by Henry IV., had given rise to some irregular attempts in the course of a century and a half. The canal of St. Quentin was projected in 1727, and begun, abandoned, and resumed at different periods; the canals of Brittany and Berry were likewise begun before the revolution of 1789. The canal of the Nivernais was decreed in 1791, and the canal from the Rhone to the Rhine in 1792. The Emperor himself, notwithstanding his great projects, could do nothing for the completion of these works.

"But even if no such causes of unavoidable interruption should occur, the works would nevertheless be prosecuted with interminable slackness. There exists in the organization of all administrative boards a *vis inertiae*, which they vainly endeavour to resist, for it is in their very nature. The board and all its agents are obliged to submit to a thousand formalities to escape the burden of the responsibility to which they are liable; besides which, the spur of a direct interest in the success of the undertaking is wanting. Thus, the canal from the Rhone to the Rhine, which was to have been finished in 1827, was only made over to the company in 1834, and is still very imperfect. The canal of Burgundy was to have been finished in 1832, and is still incomplete. The lateral canal of the Loire,\* and the canals of Berry and Nivernais, which were to have been terminated in 1829 and 1830, will not be wholly completed before 1838 or 1840; and these delays have compelled the state to make several considerable pecuniary sacrifices."—*Burat, de l'exécution, &c.*

To these instances M. Burat contrasts the undertakings executed in France by private companies. He reminds us that the canal of Briare, which was begun by Henry IV. at the cost of the state, and with the aid of the royal troops, was

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\* The lateral canal of the Loire is now open for navigation on the greater part of its extent.

soon abandoned. Thirty years afterwards a company of private individuals, animated by the genius of Riquet, completed, in fourteen years, the canal du Midi. The canal of St. Denis, which was made over to a company in 1818 on condition of its being opened in 1823, was ready for navigation in 1821. The canal of St. Martin, which was begun in 1821, and was to have been finished in 1826, was opened in 1825. The junction canal from the Sambre to the Oise, the cuttings of the Sambre, and the canal from Roanne to Dijon, will shortly be opened within the time allowed for their execution.

It now remains to inquire, whether the state is equally incapable of keeping up public works as it is of executing them? Napoleon was so convinced that the state failed in this respect, that in 1809 he ordered the canals which had been cut at the national expense to be sold in order to devote the proceeds to the construction of new channels of intercourse. But we cannot do better than again to borrow from M. Burat's pages.

"The principal channels of communication which the State has been charged to keep up, are the roads; but, down to a very recent period, the roads have been totally neglected. An improvement has taken place within the last few years, but it is well known what efforts have been required to introduce the system which has been attended with such admirable results in England. Yet the French roads are, though improved, still very inferior to those of the neighbouring countries, though sums of money as considerable, if not more so, have been devoted to them. In France the allowance for keeping up the roads is 2200*f.* per league (about 88*l.*); in England the cost may be estimated at about 104*l.*, or 2600*f.*, which is proportionally less than in France, if we take into account the cost of labour and of materials.\* In Belgium, the expense of keeping up the roads amounts to only 1653*f.* per league; in the north of Italy to 2200*f.*, and in some of the Swiss cantons to only 1200 or 1500*f.*"

In like manner M. Burat proceeds to show, that the effect of private management has been to improve and render profitable the canals which were unfinished, unsafe, and unprofitable, whilst they were in the hands of the government. And the whole experience of the persons connected with public works in France seems to establish, beyond all doubt,

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\* The total cost of keeping up the roads and bridges of England has been estimated at an annual sum of more than 4,000,000*l.* sterling; but M. Burat should have observed, that although the rate of labour is higher in England than in France, more work is done by English labourers in any given time.



the superiority of private administration—an important lesson in a country where the system of central government monopoly has been allowed to sway or repress at pleasure the energies and resources of the kingdom.

But when the committee came to consider what portion of these undertakings it was desirable to allot to the spirit of private enterprise, the government still denied the inference which we have seen may be drawn from these facts. They alleged, on the contrary, that whenever the cost of an undertaking exceeded a certain sum, *bond fide* capital was not forthcoming, and that, in consequence, several important public works which were entrusted to private companies years ago, have never been begun at all. In answer to these objections, which could not be denied, the committee stated, that the present demand for investments in joint-stock companies in France was such, that the railways might safely be entrusted to such companies without any assistance from the funds of the nation. The subscription lists and registers were carefully examined by the committee, and the result was a strong feeling that these undertakings were regarded as solid, *bond fide* investments. Nevertheless, the committee recommended that no company should obtain its powers and privileges from the legislature without giving certain guarantees. These conditions form a series of rules, which we quote in detail, because they are intimately connected with the identical questions relating to the powers of trading companies which have recently been under the consideration of the British legislature, and will be brought forward again next session.

*First.* The shareholders who have obtained a railway act, must at once make a deposit in the bank of consignments, either in *rentes* or in money, the amount of which is to be determined by the Minister of Public Works at pleasure, and not restored to the company till the work is completed. The committee proposed that this guarantee-money should be returned when one-fifth part of the work was terminated, to enable the company to employ their whole paid-up capital: it ought to have gone on to propose, that the amount of the guarantee should always be proportioned to the amount of the capital of the undertaking.

*Secondly.* When a company fails to execute the works or

to fulfil the conditions of its contract, it is declared to have forfeited its privilege. The committee assented to this principle of forfeiture, but they were of opinion that it ought not to be made an indirect means of confiscating the property of joint-stock companies. Accordingly, it was proposed to sell by auction, for the benefit of the forfeited company, the works or the machinery which it might possess; and they even held, that the original contractors had some claim to an indemnity, to be fixed by law.

*Thirdly.* The French railways are not invested with the privilege of perpetual property; the longest lease of them which the state has granted is for ninety-nine years. After that term, the property reverts to the government; and the government has even the power of buying out the company before the expiration of this legal term, at a price to be fixed at not less than the capital represented by the average income of the preceding ten years.

*Fourthly.* Hitherto the state, in granting a railway privilege, has not only fixed the rate of charges which the company was empowered to make, but has reserved to itself the right of revising this tariff of charges from time to time. The committee were of opinion, that this latter power ought not to be retained by the state.

*Fifthly.* In order to protect the shareholders from fraud on the part of the directors, and to check the jobbing of shares as much as possible, the following conditions were proposed\*: 1. That all the directors or administrators should be possessed of a number of shares sufficient to give a security for their administration, and that such shares should not be transferable until the completion of the works. 2. That no shares should be issued or made saleable until the act was passed. 3. That no gratuitous shares should be issued; and that the interest of the engineers and directors in the concern should

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\* We beg to refer our readers to the Appendix II. of the Second Report of the Irish Railway Commissioners, for their excellent "suggestions on the powers to be given to railway companies, and the restrictions to which they should be subjected." These suggestions offer very considerable analogies to the French regulations in the text; and some of them have been already adopted in Great Britain. For instance, the Act for the Dublin and Kingston Company required the payment of calls on the shares to the amount of 20 per cent., before they could be legally transferred; which must have effectually prevented the interference of professed jobbers in shares.—*Report*, p. 29, *Appendix*.

not be negotiable or transferable. This latter clause is evidently too restrictive of the liberty necessary to companies of this kind; but its object was to avoid the scandalous traffic which is not unfrequently made of the interest of directors, and, above all, to obviate the possibility of those disgraceful bargains and sales of votes or assents for shares, of which we have had in this country but too many instances.

*Sixthly.* The committee recommended, that instead of authorizing the Minister of Public Works to put the railways up to public competition by tender, a plan which had been adopted in some other undertakings of an earlier date, the law itself should adjudge the undertaking to such persons as offered and were admitted to execute it, without insisting on the terms of the contract so much as on the security for its punctual fulfilment.

*Seventhly.* The greatest defect in the legislative proceedings of the French in these matters, arises from the acts which authorize the works being passed before the companies which are to execute them are formed. The plans are conceived, proposed, discussed, and sanctioned, before their authors can have or can give any assurance that they will command the capital required for their execution. The committee recommended (and they appear to have had in view the practical results of our own manner of proceeding) that the final conditions of the work should not be signed and approved by the Minister until the company had justified one half at least of its capital; and that before any bill should be brought into the Chamber the company should deposit one-tenth of its capital in the bank of consignments. The plans ought to be sufficiently mature to give an idea of the obstacles to be overcome, and the outlay to be made; and the company ought to be fully organized, and its by-laws submitted to the *Conseil d'Etat*, before the bill is read in the Chamber.

These conditions embodied the general principles upon which, in the opinion of the French committee, works of this kind ought to be conducted. The government did not oppose them; but in the course of the debate which opened on the following 8th of May, M. Molé declared that they were disposed to entrust several lines of railway to private companies, provided the government should be authorized to con-



struct the road from Paris to the Belgian frontier, and that from Marseilles to Lyons. The Chamber, however, was not moved by these tardy concessions; and in pursuance of the recommendation of the committee, the whole measure was thrown out. A week afterwards, M. Martin (du Nord), the Minister of Public Works, brought in six bills in behalf of private companies for six railways. The first was to unite Lille with Dunkirk, which is eighteen leagues from that city, and is the natural outlet of the important manufactories of the Department du Nord. The cost of this railway was estimated at 16,000,000*f.* (640,000*l.*); but to enhance the utility of the line, the Minister observed, that the exports and imports of Dunkirk amount to 166,000 tons per annum.

The second line, from Bordeaux to Langon on the left bank of the Garonne, was to extend ten leagues, until it joined the roads to Bayonne and Toulouse. The cost (for a single line of rails) was estimated at 5,000,000*f.* (200,000*l.*). The steamboats which now ply between Bordeaux and Langon are computed to transport annually 500,000 passengers.

The third line was to run between Nîmes and Montpellier, where it would join the line between Montpellier and Cette. At some distance from Nîmes, this line would communicate with the road from Alais to Beaucaire, and thus form an unbroken railway from the Rhone to the canal du Midi. The rail-road between Montpellier and Nîmes is to be 49·00 *kilometres*, or more than twelve leagues in length, and to cost 10,000,000*f.*

Lastly, the administration proposed a railway between the manufacturing city of Sedan and the fortified town of Mézières, to avoid the frequent sinuosities of the Meuse. The distance is five leagues; the expense is estimated at 4,000,000*f.* Two other roads were proposed to convey the produce of the coal-fields to the river Allier, which made up this batch of projects.

Thus far the government appeared to persist in its intention of yielding none but branch lines of secondary importance to private companies. But the remonstrances of the public press and the dread of leaving France quite behind the other countries of Europe in the general improvement of communications, induced the ministers to waive some of their

pretensions. On the 26th May, two bills were brought in for the great lines from Paris to Hâvre and Dieppe, and from Paris to Orleans. Three days later, the government proposed to grant to M. Cockerill the line from Lille to Calais. As for the much-contested line to Belgium, the company which had been formed could only raise 40,000,000*f.* or half its proposed capital, and the government gladly seized that pretext to defer the solution of the difficulty. All these schemes, except that of the road from Bordeaux to Langon, received the sanction of the Chambers before the end of June; but as they were referred to different committees, which insisted on various terms of agreement in the contracts, several of the grantees, and amongst others those who proposed to execute the roads from Montpellier to Nîmes, and from Lille to Calais, have availed themselves of certain clauses introduced into the *cahier des charges* to break off the contracts altogether.

The railways to Orleans and to Hâvre gave rise to much animated discussion in the newspapers, the parliamentary committees, and the Chambers. Eleven companies started for the former; and the two companies which were in competition for the latter had adopted two systems and two routes of a totally distinct character.

One of the companies which was formed to undertake the line from Paris to Hâvre, proposed to follow the *valley* of the Seine. This route had been surveyed by two distinguished engineers, M. M. Polonceau and Bellanger, at an expense of 20,000*l.*, and the scheme had been in agitation for four years. The other company was formed on the spur of the moment, and had no surveys of its own; but it adopted the plan originally proposed by the government across the *plains* of Normandy. The most striking difference between these companies consisted in the nature of their financial composition; the former consisted of 4000 shareholders, who had simply paid a deposit of ten per cent. on their shares; the latter was supported by twenty great capitalists, with M. Aguado at their head, who took shares on their own account to the amount of 20,000,000*f.*, and furnished a sort of personal security for the solvency of the undertaking. The Company of the Valley was a regular joint-stock company on the English plan; the



Company of the Plains was an improvement on the French mode of *souscription à forfait*\*.

The system of joint-stock companies has now been introduced in France with decided success; and its first effect has been to reveal the existence of large quantities of capital, which had before no means of gravitating, for a common purpose, to a common centre. Nevertheless, the habits of our thrifty neighbours are not to be completely metamorphosed in so short a time; and when the names of the capitalists who had embarked in the Company of the Plains were known, their authority obtained a decided preference for that company in the market, and stifled all opposition to their bill in the Chamber. The demands for shares are said to have amounted to 400,000,000*f.*, though only 90,000,000*f.* were required for the proposed works. The government supported the bill; and as the session was already near its close, the dread of losing another year expedited its passage.

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\* As the nature of these forms of association may not be familiar to our readers, we borrow from an able production of M. Léon Faucher, in the *Revue des deux Mondes*, the following description of the two systems, which elucidates a somewhat novel question in political economy.

" Dans la souscription à forfait, il n'y a qu'un seul souscripteur direct; c'est le banquier qui l'entreprend—seul il est engagé à l'égard des concessionnaires, ou, quand il a soumissionné lui-même la concession, à l'égard de l'état. La souscription n'est point un contrat; elle ne donne pas aux souscripteurs le droit d'obliger le gérant de la société à leur délivrer les actions qu'ils ont demandées; le gérant à son tour ne peut pas les contraindre à recevoir les titres ni à verser les sommes représentées par ces valeurs, il n'y a d'engagement réel d'aucun côté: ajoutons que si le banquier, la personne morale de l'association est responsable, en revanche, il dispose d'un arbitraire illimité dans la distribution du fonds social. Il peut choisir entre les souscripteurs, livrer dix actions à ceux qui en ont demandé cent, et cent à ceux qui en demandaient dix; préférer les spéculateurs aux actionnaires sérieux, émettre enfin les actions aux époques qu'il lui conviendra de fixer, précipiter l'émission ou la suspendre, et, au lieu de vendre, jouer.

" La souscription directe, au contraire, présente un véritable contrat synallagmatique entre les administrateurs, qui sont les associés en nom collectif, et les commanditaires qui sont les souscripteurs. Le registre une fois ouvert, les conditions sont égales pour tous; il n'y a d'autre titre de préférence que le droit de priorité. Ici, la propriété c'est l'occupation, non point à titre gratuit, mais à un prix fixé par avance, égal et invariable, valeur contre valeur, action contre écus, et au pair. Le souscripteur met son griffe sur les actions qu'il se réserve; en même temps, et pour garantie de l'engagement, il verse un dixième de la valeur souscrite, chacun sait ce qu'il doit attendre ce qu'il fait, et avec qui il va s'associer. Les souscripteurs enregistrés publiquement, et dans un ordre successif, forment un corps. La propriété industrielle a son grand livre; des valeurs jusque là mystérieuses et par conséquent incertaines, sont revêtues du cachet de l'authenticité."



After having negotiated with the government, and obtained the consent of the Chambers, the French companies have to pass a third ordeal. Their by-laws must be submitted to the *Conseil d'Etat* for approval. This body has retained so much of the dictatorial spirit of the imperial *régime*, and has acquired so little knowledge of the interests of the country in trade and manufactures, that it laboured to subject the companies to the absolute controul of the government by the most despotic regulations. In this particular instance it endeavoured to make the original shareholders responsible for the whole amount of the capital, even in case of transfer. The effect of this regulation would evidently have been, either to make the shares untransferable, or to have regulated the value of the shares, like that of bills of exchange, by the credit of the endorser. The company for the railway from Strasburg to Basle had submitted to this condition, and its shares have been down to 18 per cent. below *par* in consequence. The original shareholders in the Orleans and Havre roads consented to be responsible for the three first instalments only, the last of which is payable in 1838; and notwithstanding the strong resistance of the *Conseil d'Etat*, M. Molé was won over by the all-powerful influence of the great shareholders, and they carried their point.

We have thus briefly explained the incidents of this long struggle between the French government and the awakened spirit of public companies in France. The result of the session of 1838, and the discomfiture of the government in its attempt to monopolize these great speculations and undertakings, has proved that there is now a spirit of enterprise in the country which aspires to undertake works of a magnitude to daunt the greatest individual capitalists. Nevertheless, even our present imperfect experience has, we think, shown that it would be imprudent to rely exclusively on private companies for the construction of the leading railways in France. The roads which have been voted in the last session will require an outlay of 8,000,000*l.* sterling; and from the effect which they have had upon the market, and the difficulties which the Lille and Dunkirk company has already had to struggle with, it may be inferred, notwithstanding the pompous announcements already made of new under-

takings, that no very important company for a leading railway will be organized in the course of next year\*.

France is not, like England, a country in which all public improvements are the results of private enterprise and ability; but the finger of the government may be traced in public works, manners, and even habits of business in that country. There are works to be done in France which the government alone can perform with success; and if we seek for a similar state of things in the British isles, we must look, not to England, but to Ireland, to which our attention is called by the invaluable Second Report of the Railway Commissioners, accompanied by its magnificent and comprehensive atlas. In France and Ireland it is essential that every effort be made to combine, as far as possible, the whole system of intercommunication, so that the portions of lines which hold out more special hopes of advantage may not be undertaken otherwise than in connexion with those parts which the extent of the territory or the condition of the population may at present render a less attractive speculation: and the less progress the railway system has made in a country, the more important it is that its resources should be wisely distributed, and its privileges judiciously regulated. The concluding remarks of the Irish Railway Commissioners are so intimately connected with this subject, and correspond so much with our own views, that we make no apology for introducing an extract from them in this place.

"It is a favourite opinion with many, that all undertakings of this description are best left to the free and unfettered exercise of private enterprise, and that the less the state interferes, either in prescribing their execution, or controlling their subsequent operation and management, the better.

"We are fully sensible of the great advantages to be obtained by allowing full scope to the vigour, energy, and intelligence of individuals associated for such important purposes; and that it would be equally inconsistent with the interests and with the rights of society were such exertions crippled or restrained by unnecessary or impolitic regulations. But we apprehend, that the essential difference between railways and any other description of public works has been overlooked, and that power and privileges

\* The roads from Paris to the sea, from Paris to Orleans, and from Strasburg to Basle, now find their shares fallen below par; whilst the fourth, that of Lille to Dunkirk, is not able, even with the patronage of M. Laffitte, to make up a sufficient number of subscriptions.—*La Presse*, Sept. 13, 1838.

have been conceded to private companies, which should be exercised only under the direct authority of the state, or under regulations enforced by effective superintendence and control.

"But, on the other hand, the public interest would require that they should be bound by such conditions, and held subject to such well-considered regulations and effective control, as shall secure to the country at large the full benefit and accommodation of this admirable system.

"The practice hitherto followed in England has been almost the very reverse of that which we here recommend. No preliminary steps are taken on behalf of the public, to ascertain whether the proposed railroad be well adapted to its specific object, or calculated to form a part of a more general system. The best and the worst devised schemes are entertained alike, being equally exposed to opposition, and left equally unprotected against the difficulties which interested parties may raise up against them."

"Should the parties succeed in obtaining a favorable report, they are usually empowered to proceed, and to hold the work, as any other description of private property, subject to little or no external regulation or control. Hence are they enabled to establish a monopoly, in the most extensive sense, and to keep the intercourse of the country entirely at their command. The rate of speed, the choice of hours for departing, the number of journeys in the day, rest at their discretion; and as they have the unlimited right of fixing the charges for the conveyance both of passengers and goods, they then have an opportunity of repaying themselves, not only for the legitimate costs of constructing and maintaining the railway, but for all the heavy expenditure incurred, either through their own extravagance, or in consequence of the various impositions practised upon them. Thus, every item of unnecessary expense falls eventually upon the public.

"Sanguine anticipations have been formed of the advantages, already enumerated, of rapidity, facility, frequency, and economy, which this mode of communication is unquestionably calculated to afford. But it will depend greatly upon the will of the railway companies, as at present constituted, to what extent such expectations shall be realised. With respect to the first of those advantages, that of rapidity, it is known that as the speed increases, the expenses increase in so high a proportion, that it may be apprehended there will be a strong temptation to bring down the velocity to a rate not much exceeding the best public conveyances which the railway will have superseded. Next, as to facility of communication, the existence of separate companies along the same line, without a provision to regulate and enforce their co-operation, may be productive of the greatest inconvenience; and it is already exemplified in the most important line in the kingdom—that from London to Liverpool. It is a matter of notoriety, that a junction of the two lines, near Birmingham, might readily have been effected, and by that means the inconvenience and delay of transferring goods and passengers avoided. It has been avowed by certain companies, that it is their intention not to run their carriages on a Sunday. If they exercise such a power, it will be tantamount to locking the turnpike-gates on common roads; for, although most Acts allow individuals to run their own carriages,



and even their own locomotives on railways, this privilege is only allowed subject to the approval and regulations of the company. Scarcely, under any circumstances, does it appear to us that an individual could take advantage of such permission; but it is evident, that while accompanied by the condition we have named, it becomes wholly inoperative, as a remedy for any inconvenient regulation which a company may think it right to enforce. Lastly, as to economy; it may, without fear of contradiction, be stated, that the practice hitherto followed leads necessarily to the highest possible rates of charge. The expenses, which are generally excessive, of obtaining the sanction of Parliament; the exorbitant payments frequently extorted as compensation, or to buy off a vexatious opposition; the superfluous and wasteful profusion often displayed in the construction of the work itself, all concur to demand a large return from the public; which the proprietors, as carriers, being unrestricted as to the rates of charge, will not fail to enforce. And they will the less scruple to do so, because competition, the usual remedy against a disregard of the public accommodation, would be ruinous, and can, in such cases, be rarely resorted to.

"We ventured, in our first report, to point out the probable consequences of confiding such unrestricted powers to private and irresponsible individuals; as regards the conveyance of the mails, these have already begun to manifest themselves; but they are trifling when compared with the serious evils, which, we fear, must inevitably result from such improvident concessions. We believe that railway travelling will continue to maintain a superiority over that which it has superseded; but there is reason to fear that it will be far below what the country might have derived under better regulations; when this is perceived and understood, the satisfaction which is now felt, will give way to discontent and complaint, and retrospective legislation will supply but a partial and imperfect remedy.

"It might be well to look to the proceedings of other countries, in reference to this important matter. In France the main lines have been laid out under the immediate direction of the government, and the conditions made known, on which private companies will be empowered to construct and work them. America, as might be expected, from its separate and independent jurisdictions, has proceeded less systematically; but the several States have, in general, become shareholders to a large amount, and have thus acquired great influence in the direction of the railways undertaken within their respective limits.

"In England alone, the main lines of communication have been committed to the direction of individuals, almost unconditionally, and without control. We believe this has arisen, in a great measure, from the suddenness with which this invention burst upon the country, and the imperfect view which has as yet been taken of its extraordinary power, as well as of the extent to which the public interests are involved in its just application and management."—pp. 96, 97.

The same questions, then, which the French legislature is called upon to decide, may arise in the British parliament on the subject of Irish Railways; and the House of Commons

may have to inquire, whether the government ought to undertake the works on its own account or to encourage the formation of companies, by loans, privileges, or guarantee? whether the execution ought to be conducted by government officers or private engineers? whether (at least the question has arisen in France, though it hardly could in Ireland) the army may be employed on public works with advantage? and how far the government can exercise, on behalf of the public, a salutary control over the undertakings of private enterprise. These are novel questions in a matter of no small difficulty; and the experiments of our French neighbours may, we hope, prove of some use in their solution.

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ARTICLE VII.

*The Congress of Verona: comprising a portion of Memoirs of his own Times.* By M. DE CHATEAUBRIAND. 2 vols. 8vo.: London, 1838.

*Congrès de Vérone. Guerre d'Espagne. Négociations: Colonies Espagnoles,* par M. DE CHATEAUBRIAND. 2 tom. 8vo.: Paris, 1838.

IF any of our readers should take the trouble to compare the extracts which in the course of our observations on the new work of M. de Chateaubriand we shall have occasion to make, with the corresponding passages in the translation, they will perceive that we have, in many instances, departed from the text of the English version; and we think it right to explain the motives which have induced us to adopt that course. The writings of the author of the *Génie du Christianisme* are too well known in this country to require from us any exposition of the peculiarities of what we cannot but consider his very defective style; we look upon M. de Chateaubriand as the most eminent example of that extremely bad taste, too prevalent among the writers of the modern French school, which appears to prohibit the expression of any idea, however common-place or insignificant, in a simple intelligible manner. For this reason we are bound to make, and we do make, considerable allowances for his translator, as the task

of rendering his "prose run mad" into readable English will never, even in the most competent hands, be an easy one; but there are qualifications the want of which is not to be excused in any one who ventures to publish translations of historical works; and it will not be thought an unreasonable pretension if we say that we would absolutely require in the translator of works of that class some acquaintance, at the least, with geography and with history; some familiarity with the idiom of the foreign language, and capacity to understand the meaning of the original, whenever, as sometimes happens even to M. de Chateaubriand, the author may chance to express himself in no very affected or mysterious phraseology. With these truly moderate qualifications we regret to say that the author of the present translation does not appear to be provided; and, as we do not like to make charges of this kind without producing authorities, we shall postpone for awhile our observations upon the work, in order to show, by a casual selection from the first hundred and fifty pages, the grounds upon which we have been compelled to adopt our conviction of the incapacity of the translator.

At page 24 we find in an account of the constitution of the Cortes these words, "The King was declared inviolable; the Catholic religion the only religion of the state; and the constitution could not be altered except with the concurrence of three successive *legislators*." This is nonsense; but the word in the original is *législatures*; and thus the meaning, we should think, is sufficiently obvious. In the next page we have the following specimen of the fidelity of the translation; the simple words "*La constitution de Cadix mécontenta tout le monde*" are rendered "the constitution of Cadiz *did not satisfy every one*, though all submitted, &c." A little further on we are informed that Riego, after attending a banquet, "repaired to the theatre, where he was received with acclamations. *The audience* rose and commenced singing 'the Tragala.' He was dismissed from the army and the Lorenzini club was closed." It was not the audience but Riego himself who sang the Tragala: "*il est reçu avec des acclamations, il se lève et entonne la Tragala*;" here is not a word about audience, and it would not have been quite so reasonable, in those days of popular agitation, to



have dismissed the General because the audience of a theatre chose to sing the revolutionary stanzas.

At page 46 we find an account of one of the king's chaplains being sentenced to ten years of the galleys for some offence against the new order of things; but this punishment being deemed too lenient by the populace they condemned the priest to death, and carried their sentence into execution by striking him on the head with a hammer. In relating this event M. de Chateaubriand observes that the populace are apt to imagine that sovereignty consists in the exercise of mere force, "*La plèbe qui prend la souveraineté pour la force des bras,*" and this very simple phrase the translator has tortured into a statement, that the populace, on that particular occasion, "*held sovereign sway by the force of arms.*"

"On one side were the royal troops and on the other the militia and troops of the line, encamped face to face *with true canicular ardour*, swords drawn and matches lighted," (translation page 62); "*à l'ardeur de la canicule,*" in the heat of the dog-days, are the words of the original. "Strabo does not even record the name of Pompey," p. 64; "Strabon estropie (mutilates) en l'écrivant jusqu'au nom de Pompée." These blunders would be sufficient to prove our case; but there are others of so amusing a kind that we cannot resist the temptation of exposing a few of them.

The translator has chosen to represent a certain M. Cugnet de Montarlot as no less a personage than the author of the famous proclamations of the Emperor Napoleon to his troops. "Riego, who held a command in Aragon, connected himself with a French officer, named Cugnet de Montarlot, who had been prosecuted in France. He had been a lieutenant-general in the service of Napoleon, and was the author of the famous proclamations of the emperor to his troops." The author never intended to represent this gentleman in any such light; his words are "*et rédacteur, en qualité de lieutenant-général de Napoleon, de proclamations à nos soldats;*" *de*, the indefinite article, and not *des*, the definite one; author of *some* proclamations to *our* soldiers, *that is of proclamations to the French soldiers then invading Spain*, issued with a view to seduce them from their allegiance to the Bourbons. We cannot imagine how any body could have fallen into this ludicrous

error, particularly when the very next sentence explains that "Cugnet had been plotting and intriguing in our garrisons on the frontiers of the Pyrenees, and had *collected some deserters around him.*"

There is a passage about Valencia which puzzles us so much that we are almost afraid to hazard the conjecture which suggests itself to our mind as the solution of the translator's meaning; we cannot help suspecting that he mistakes the beautiful province of Valencia for some lady of great personal attractions but of terrible reputation; however, the reader shall judge for himself: "*Valencia la bella* is deceitful. Her *beauty* is that of Venoza and Lucretia; her *intrigues* and *murders* of Alexander and Borgia." page 68. The meaning of the author is by no means so obscure, nor does it admit of the curious construction which we are inclined to put upon the words of the translator: the author intended to designate Valencia as the birthplace of Alexander Borgia and of Rosa Vanozza his mistress, before he was raised to the popedom, and the mother of the notorious Lucretia Borgia. "*Valence la belle est trompeuse: fille des Maures elle a donné sa beauté à Venoza et à Lucrèce, ses intrigues et ses cruautés à Alexandre VI. et à Borgia.*" This is tolerably plain, but in the mysterious sentences of the translation we are convinced that there is far more than meets the eye.

The chapter in which M. de Chateaubriand describes the personages attending the congress of Verona is that in which the translator has contrived to introduce the most blunders—blunders of all sorts—in geography, history, and the meaning of some of the author's least obscure sentences. In the original a sarcastic allusion is made to the marriage of Maria Louisa with her chamberlain in the following words: "*Parme envoya l'archiduchesse d'Autriche duchesse de Parme, dite veuve de Napoléon, avec le comte de Neiperg, dit chambellan et chevalier d'honneur de l'archiduchesse.*" In the translation the point is completely omitted, the words being: "Parma sent the Austrian Arch-duchess Maria Louisa, now Duchess of Parma, and called the widow of Napoleon. She was accompanied by Count Neiperg, *who filled the posts of* chamberlain and gentleman of honour to the Arch-duchess." "*—The Arch-duke and Arch-duchess of Modena came from*



"*Calais*:" almost every word in this short sentence is a blunder. In the first place it ought to be Arch-duke, *duke of*, &c., as it is in the original; he is only duke of Modena, but he is Arch-duke as belonging to the imperial family of Austria; in the second place it is not *Modeno* but *Modena* of which he is duke; and finally, they did not come from *Calais* but from *Cataño*, a beautiful villa on the banks of the Brenta. "The Arch-duke and Arch-duchess, *together with* the Vice-King and Vice-Queen, arrived with their courts:" the insertion of the two little words *together with* makes this passage perfectly unintelligible. They do not occur in the original; the arch-duke here designated and his lady are themselves the viceroy and vice-queen of Lombardy. The whole of this chapter abounds in mistakes of the same kind, but we fear that we have already enumerated only too many.

In another place we are told that Austria "might have shown herself less uneasy, less inexorable, and more skilful, by betraying less suspicion of secret understandings:" whatever may be the intention with which the word *secret* is here introduced, the effect of the introduction is to show that the translator has no understanding, secret or public, of the author's meaning. By betraying less suspicion of *talent*, "*en suspectant moins les intelligences*" are the very simple words of the original.

But the most stupendous, the most incredible of his blunders remains to be told, and with this we propose to conclude our notice of the performances of the translator. In the earlier pages of the work, where M. de Chateaubriand gives a short, but eloquent, sketch of the rise and fall of the greatness of Spain, the following passage occurs: "*Enfin elle tomba; sa fameuse infanterie mourut à Rocroi, de la main du grand Condé; mais l'Espagne n'expira point avant qu'Anne d'Autriche n'eût mis au jour Louis XIV., qui fut l'Espagne même transportée sur le trône de France, alors que le soleil ne se couchait pas sur les terres de Charles-Quint.*" We must refer our readers to page 4 of the translation for proof of the incredible fact,—a fact which we could hardly expect to be admitted on a bare assertion,—that the lines of this passage marked in Italics are actually rendered in the following terms: "But the down-fall of Spain was not complete until Anne of Austria gave



"birth to Louis XIV., WHO FROM HIS NATIVE LAND WAS  
"TRANSPORTED TO FRANCE, *before the sun had set on the*  
"*dominions of Charles-Quint.*"!!

Those who carefully examine the present work of M. de Chateaubriand will find in it three ideas predominating apparently over all others: the first in importance, or that, at least, which seems to exercise the greatest influence over his mind, and to have chiefly contributed to the publication of these memoirs, is a desire to elevate himself above the heads of all his contemporaries in statesmanship, diplomacy, oratory and literature. Of the two other prevailing ideas it is not easy to say which lies the nearest to his heart, if indeed one be not the exact correlative of the other, and both, therefore, operating with exactly equal force upon his intellect and imagination. They are hatred of England, and subserviency to the policy of Russia.

The great object of the noble writer seems to be to vindicate to himself the authorship of the war with Spain in 1823; to represent the first idea of that outrage upon morality and the law of nations as a suggestion of his romantic mind, made at the time when he was discharging the functions of ambassador in London; to show that the negotiations which ended in the declaration of war were shaped by his genius, and conducted to their successful issue by his skilful diplomacy; and to assert his claim to the glory resulting from the duke of Angouleme's triumph over the Cortes, and the deliverance of King Ferdinand from the hands of the liberals in Cadiz. Upon this important point the world has hitherto laboured under a mistake which M. de Chateaubriand rejoices in having lived long enough to remove. His memory, as he very judiciously observes, if it endure at all, must outlast his life; and it is well therefore for him to have been enabled to make disclosures which will act as a defence against all attempts, posthumous or present, to deprive him of the fame arising from the authorship of the Spanish war.

"The grand question discussed at the Congress of Verona was the war with Spain. It has been said, and it is still repeated, that that war was forced upon France. This is precisely the reverse of the truth. If any one is deserving of blame in that memorable enterprise, it is the author of this narrative. M. de Villèle was averse to hostilities. It is but just

to render to his wisdom, and to his spirit of moderation, the honour of having, on that subject, concurred with three-fourths of the alliance, with France and with England. A remark which was never uttered by the president of the council, or which, if really made, has been misunderstood, seems to have misled public opinion ; we shall speak of this in the proper place.

“Thus, therefore, all that the opposition has promulgated on this subject, in salons, in Parliament, in newspapers and in pamphlets, whether in London or Paris, is erroneous. We feel happy in having lived long enough to correct this prodigious mistake.

“The war with Spain, we repeat the assertion, was in a great measure our work ; and we do not hesitate to declare our conviction that future statesmen will applaud us for it. We do not imagine ourselves to belong to that small and select class of men who, as Seneca says, float upon the surface of the waves of time ; neither do we imagine that the affairs of this world interest those who are beyond the tomb ; but by an illusion of our present existence, we attach greater importance to our memory hereafter than to the opinion that may be entertained of us during our lifetime. Our memory, if it endure at all, must outlive our present existence ; and as we shall not be at hand to protect it, we are bound to furnish it with the means of self-defence.”

The motives by which he was led to desire to see his country engaged in this difficult and dangerous undertaking are expounded at considerable length. Upon these points we shall allow the author to speak for himself, reserving, of course, the right of expressing, when the fitting time comes, our opinion of the wisdom, and, above all, of the *morality* of his views.

“At length we arrive at the Spanish war, a subject upon which public opinion has so singularly erred. This war had been foreseen long before the assembling of the congress of Verona. We are not now alluding to the *cordón sanitaire*, first established as a precaution against the yellow fever, and converted, *quite naturally*, into an army of observation ; our allusion is to the subversive ideas which, breaking out beyond the Pyrenees, threatened to revive in France the revolutionary *excesses repressed by the despotism of Bonaparte, but which, favoured by our new institutions, were about to revive in the liberty of the charter of the Bourbons.*

“So early as the period of our London embassy we communicated with M. de Montmorency on the possibility of this war. We traced out for him a plan nearly similar to that which we shall presently be seen submitting to M. de Villèle. Since the restoration we had been beset by two sentiments ; namely, hatred of the treaty of Vienna, and the wish to give to the Bourbons an army capable of defending the throne, and of emancipating France. Spain, exposing us to danger alike by the principles of her revolution and her separation from the kingdom of Louis XIV.,

seemed to be the field on which we might, with great peril, it is true, but with great honour, restore at once our political importance and our military power.

"Such was the disposition of our mind when we were named to attend the congress. The president of the council, some of whose best qualities tended to limit the extent of his views, did not perceive that *legitimacy was perishing for want of victories to compare with those of Napoleon*, and especially after the diplomatic transaction (the treaty of Vienna) by which it was disgraced. The idea of liberty in the head of a Frenchman, who will never comprehend very exactly what liberty means, will not compensate him for the absence of glory, which is his natural idea. Why did the age of Louis XV. sink so low in contemporary estimation? Why did it give birth to those systems of exaggerated philosophy which have been the destruction of royalty? Because, with the exception of the battle of Fontenay, and of some good conduct of our troops at Quebec, France had been suffering an uninterrupted series of humiliations. If the baseness of Louis XV. and the partition of Poland were visited on the head of Louis XVI., what might not be feared for Louis XVIII., or for Charles X., after the humiliation of the treaty of Vienna?

"This thought oppressed us like a night-mare during the first eight years of the restoration, and we did not begin to breathe with ease until after the success of the Spanish war."

Here then we have it explicitly stated, under M. de Chateaubriand's hand, that the pretences for this war put forward in his correspondence with England were all false and fraudulent. It is now evident that the charge of perfidy so vehemently urged against the French Government by Mr. Brougham and the other parliamentary orators of that day fell really far short of the mark; but it is also plain that the leaders of the Opposition were carried, by the spirit of party, far beyond the truth, when they accused Mr. Canning of being duped by the shallow manoeuvres of the French statesmen. Mr. Canning knew the men, and he knew also that their policy was as foolish as their declarations were false. He was not for a moment the dupe of their perfidy. "I am not now alluding," says our author, "to the *cordón sanitaire*, afterwards *so naturally* converted into an army of observation." No; but M. de Chateaubriand was protesting, with all possible solemnity, that the *cordón* never would be converted into an invading army at the very moment when he was "foreseeing the possibility of this war," and furnishing M. de Montmorency, from the French embassy in London, with a plan for conducting its operations. Afterwards, when



war became more imminent, the French ministers loudly proclaimed that it was to be merely a war of self-defence against the spread of "subversive opinions." But this same minister now thinks it a part of the defence which his character will require with posterity, to declare that the war which his fertile brain had engendered *was* a war of aggression. "France was perishing for the want of victories;" and glory, "the natural idea of a Frenchman," must be made to compensate him for that idea of liberty "which he will never be able to comprehend," but which it was evidently the determination of the French Government, making common cause with the despots of the Holy Alliance, to exterminate, both abroad *and at home*.

But M. de Chateaubriand cannot allow his character with posterity to be exposed to the suspicion that while he was so cleverly duping Mr. Canning on the one hand, he was not acting with equal perfidy towards his holy allies, and even to his colleagues in the administration, on the other. There was in his mind an *arrière pensée*, into the confidence of which the whole world, and posterity besides, is now admitted; but which, previous to the publication of this narrative, was entrusted but to a few, amongst whom were two royal personages, who appear to have received the communication in a very ambiguous manner. The two illustrious depositories of this important secret were the Emperor Alexander and King Louis XVIII. The former, notwithstanding the mysterious sympathy between him and M. de Chateaubriand, which caused them to "swear eternal friendship" in their first interview, seems to have listened with much coldness to the communication, and to have replied in a fashion the reverse of satisfactory; while the manner in which it was received by the latter monarch deserves to be recorded as the counterpart of the famous nod of Lord Burleigh in the Critic. Indeed the whole passage is worth extracting, as a curious description of the manner in which business was transacted between the king and his minister for foreign affairs:

"One day, having gone to carry a despatch to the king, we found him alone, seated before his small table, into the drawer of which he hastily thrust the letters or notes which he had been writing with the aid of a large magnifying glass. He was in a good humour, and immediately began to talk to us on literary subjects.

" ' Would you believe,' said his majesty, ' that I have been for years in ignorance of the Cantata of Circe? M. D'Avary made me ashamed of myself, and I have learned it by heart; ' and all at once the king began to declaim the Cantata at full length.

" He then passed to the Canticle of Hezekiah. When he came to this line

Comme un tigre impitoyable, &c.

we took the liberty of asking him if he was acquainted with Rousseau's correction,

Comme un lion plein de rage, &c.

" The king appeared surprised, and made us repeat Rousseau's alteration. Lyric poetry led him to familiar poetry, to street ballads, and vau-devilles; he sang the *Sabot perdu*. We ventured to relieve him by taking up some of the lines :

On peut parler plus bas  
Mon aimable bergère.

The king was the Cardinal de Richelieu, whilst we were Conrart or Malleville helping Armand to cobble together this exquisite verse :

La cane s'humectait de la bourbe de l'eau.

" Seeing his majesty so gracious, we presented to him the despatch upon our hat, and we slipped in at the same time, *à propos* of our successes, a few words on the Rhenish frontier under the protection of Babet. The king pouting his lips, gave a slight puff, raised a finger of his right hand as high as his eye, looked at us, gave us a friendly nod, to invite us to withdraw, and as if to say ' we will meet again.' Every road leads to Rome."

Coupled with this project for the extension of the French frontier were others for the aggrandizement of France, and amongst them one for the establishment of independent monarchies, under princes of the Bourbon race, in the Spanish colonies of South America. But the recovery of the Rhenish frontier was intended to be the great work of the Chateaubriand ministry, and our author had resolved on following up that object, had he continued in office, by a speedy rupture with Europe. Great importance was naturally attached to the concealment of these projects from the knowledge of his allies, and M. de Chateaubriand admits that he was under the constant necessity of deceiving both friends and enemies, in order to keep them in the dark as to the real state of things. " It was requisite," he says, " that France should accomplish her resurrection unperceived,—that the giant should reappear, lance in hand, when it was no longer possible to disarm him." The secret, however, was not so carefully



kept as to prevent Prussia and Austria from suspecting something of his ambitious designs.

"Careful as we were to bury within ourselves our ideas relative to the treaty of Vienna, a despatch from M. de Rayneval proves that we were suspected in Prussia: that power was discontented with England, whose opposition was likely to make us redouble our energy, and so render us more dangerous to the continent. On the other hand, M. de la Ferronnays, in one of his letters, speaks of the alarm at our success manifested by Austria; where it was said, *that our heads would be turned and that every thing was to be dreaded from us*; Austria liked us better when there was reason to doubt the fidelity of our army."

How grave are the reflections to which those projects of Bourbon aggrandizement and the vaunted fidelity of their troops give rise in the mind of one thinking of them, as we now do, in the calmness which the lapse of time confers, and amidst the light which the knowledge of subsequent events throws upon the vanity of such speculations! The conquest of constitutional Spain was accomplished, and Ferdinand was liberated by the hands of his kinsman, "the Hero of the Trocadero," from the thralldom of the oath he had so often sworn, and the promises so often broken. The army of France had marched through Spain resisting the seduction of liberal proclamations, unscathed by the contagion of *subversive doctrines*; M. de Chateaubriand, the author of the war, was rewarded with decorations by all the despots of Europe. "Rome for two days illuminated her ruins; Bavaria, Saxony, Denmark, united their congratulations; Vienna, Berlin, St. Petersburg, even though inwardly opposed, applauded." The noble writer has drawn upon his imagination for the picture of the results that he expected to flow from all these triumphs:—

"Let us imagine Ferdinand reigning in a rational manner at Madrid, under the superintendence of France; our southern frontiers secure, Iberia being no longer in a condition to flood our territory with the forces of Austria and England;—let us conjure up two or three Bourbon monarchies in South America, acting to our profit, as a counterpoise to the influence and the commerce of the United States and of Great Britain; let us figure to ourselves the cabinet of France recovering its former power and exacting a modification of the treaty of Vienna, our old frontier restored, improved, and extended into the Netherlands, and our ancient Germanic departments; and then let us declare whether to ensure such results the Spanish war should not have been undertaken."



The fidelity of the troops of the Bourbons has since been tested in a different field, and the battle of the barricades has placed the younger branch of the family upon the throne of France. The frontiers remain unchanged, no Bourbon reigns in America, and M. de Chateaubriand was *brutally* dismissed from office (the word is his own) within a few months after the Spanish triumph. It is now abundantly proved that no considerable portion of the French population felt any attachment whatever to the elder branch of the Bourbons; for the third and, let us hope, for the last time, that foolish race, too stupid to learn and too obstinate to forget, has been expelled from the soil of France.

There are few chapters in this work more lively or interesting than those in which the author treats of the difficulties to which the minister of a constitutional state is exposed as compared with the position of the statesman who disposes at will of all the resources of an absolute monarchy, and shows that impediments of this nature existed to a greater extent in France during the restoration than in other constitutional states. Richelieu and Mazarin had no such embarrassments to contend with; but what, asks M. de Chateaubriand, would have been their fate if, when the thirty years' war was commenced by the former or terminated by the latter, they had been compelled to treat in daily conferences with the representatives of foreign powers, and to defend their measures from the attacks of a parliamentary opposition, whilst prudence forbade them to disclose the plans in the exposition of which a full justification of their policy could alone be found? In France this difficulty was discovered by him to exist to so great an extent, that he comes to the conclusion, that measures requiring time, secrecy, and the directing superintendence of one single mind were almost wholly impracticable. There is, he alleges, a distinction to be drawn in the case of England which prevents our system of government from being quoted against his theory.

"If the example of England be said to militate against this proposition; if it be said that for many years Lord Chatham and his son combined with the enjoyment of their power a great reputation for statesmanship and oratory; if they always contrived to have *margin* enough left to them for the accomplishment of their designs; the reason is that our neighbours have not

our impatience ;—it is that the *English aristocracy partakes of the firmness, the force, and the prudence of royalty*, whose position it has usurped, and whose power it has inherited ; it is because democracy had not gained the ascendancy in society at the period when the two Pitts appeared. We doubt whether, in the England of 1838, Mr. Pitt would have attained the permanent success which forty years ago raised him to the level of the greatest statesmen."

While reading the above passage, our thoughts naturally turned to the position in which the aristocratic body in our constitution have recently thought fit to exhibit themselves, and more especially in relation to the affairs of Canada ; we asked ourselves the question, how far has that branch of our legislature justified the speculations of M. de Chateaubriand on "the England of 1838?" We see an important possession of the English crown, in which a discontented population had, without adequate cause for their disaffection, resolved on throwing off their allegiance ; a rebellion had broken out and been subdued ; a man of high rank, but in full enjoyment also of the confidence of the people, was prevailed upon to accept a difficult and delicate mission, the object of which was to restore harmony among the jarring elements of the colony, and to re-establish the mild authority of the metropolis. On such an occasion as this we may put the House of Commons out of the question, for we acknowledge that in an assembly which "the spirit of democracy had so far invaded," an extreme party might naturally be expected to embarrass, as far as they had the power, the movements of the Governor ; the rather as that party had *opposed* (as Lord Brougham had done single-handed in the House of Lords,) the bill from which Lord Durham derived his authority. But how should we expect the House of Lords to act,—that aristocratic body which is endowed, as we are told, with "the firmness, the force, and the prudence of royalty"? Assuredly, if ever there was an occasion on which we might reasonably have expected from the Upper House an edifying display of those qualities, the attacks upon Lord Durham furnished that opportunity. To the more ardent and democratic spirits among them, we should have expected the House of Lords to say : Wait a little while ; soon we shall have the entire case before us ; and then we shall be able to form a correct estimate of the Governor's policy. He is engaged in the performance of an arduous



duty, and we have tacitly promised him a reasonable, if not a *generous* forbearance; he is absent, and we suffered him to depart in the confidence that he would be allowed some "margin" for the execution of his designs; important national interests are at stake upon this question; do not, therefore, select it as the ground on which to fight the battles of mere party. This, we think, is the language that the aristocracy of England might have held in the time of Pitt; to the aristocracy of our day Lord Melbourne frequently addresses wholesome advice, to which, however, they have not shown much proneness to listen: never did he administer a juster or more necessary rebuke, than when he told them that their conduct towards Lord Durham, undignified, imprudent, and unjust, reduced the character of their House to the level of a truculent democracy.

After dwelling at some length on the difficulties which he had to encounter, from all quarters, in the direction of the Spanish war, M. de Chateaubriand proceeds to talk of himself, as he appeared in the interior of the Foreign Office, in that tone of good-natured conceit and romantic credulity which runs so amusingly through these volumes. He is the very last man whose word we should like to take on any matter relating to his own disposition, or the inclinations of his mind. In self-knowledge he appears to us to be peculiarly deficient; he talks about his indifference to place as if this book had not made it obvious to every reader that place was the great object of his life, and that he longed for it with an ardour not exceeded even by Bubb Doddington himself; he would have us believe that he was disgusted by the insincerity which the profession of diplomacy compelled him to practise, whilst the publication of this correspondence shows that diplomacy was his passion, and that he carried the practice of deceit far beyond what any necessities of his position could require. We are not sure that he is not playing off a little innocent mystification, even upon his readers, in the pleasant account of the visitors by whom he was beset in the Foreign Office; but if it be so, it is only done to heighten the effect, a temptation which writers of his class cannot be expected to resist; and the result is altogether so amusing that we could not think of quarreling with the means.



"The *cabinet noir* was not yet abolished; a miserable invention of the old regime, adopted subsequently by all the other powers, by the Directory, and by Bonaparte. All that concerned our department was sent to us; in this we saw nothing but some despatches of the diplomatic body. We could have guessed the contents without reading them.

"A letter from a coxcomb at Vienna fell into our hands; it was addressed to an unfortunate female in Paris. This was supposed to concern the department of foreign affairs.

"We had no fixed hours for granting audiences; our office door was always open, and whoever chose might enter.

"In the host of needy solicitors, and of intriguers of all sorts, who moved in procession towards the *Rue des Capucines*, were some mysterious looking personages, buttoned up in brown coats, and looking like moving boxes filled with secret papers. Next came spies in the rudiments of their profession, who, forgetting when they ought to hold their tongues, babbled of everybody the most extravagant stories. After these came vendors of dreams; but we would not buy any, *having plenty of our own to sell*. Gentlemen placed huge memorials in our hands, eked out with notes explanatory and corroborative. Then appeared certain useful ladies, who made love by means of romances, as romances were formerly made with love. Some asked for places, and others begged for money. All denounced each other, and would have flown at each other's hair, were it not that these spectres of all the regimes were every one bald. Some were very dirty in their appearance, and some very eccentric. A venerable prelate was pleased to consult us: he was a man of strict morality and sincere piety, but he struggled in vain against the parsimony of his nature: at night in his chamber he would allow himself no other light than that of the moon; and if he had had the misfortune to lose his soul, he would not have paid anything to recover it."

\* \* \* \* \*

"We were visited by a gentleman in the banking interest: without ceremony, or any sort of oratorical preface, he informed us that he was connected with *respectable houses*, and that if it were possible to communicate to him the telegraphic despatches, my excellency might gain considerably without doing the slightest injury to the public funds. We stared at this man with amazement, and requested him to walk out by the door, unless he preferred being sent out through the window; he did not move off, but he stared at us in his turn as if he was looking at a North American *savage*. We rang the bell, and the imperturbable gentleman took leave with his proffered million. Ignorant and stupid that we were! who would have known anything of our good fortune, or even if known, should we have been thought the worse of for it? Instead of pulling the devil by the tail as we have done, we should have been inhabiting a fine house, and giving good dinners; up to this day they would be calling us *Monseigneur* by courtesy, and we should be enjoying the reputation of a statesman.

"Fortune, albeit so unceremoniously driven away on this occasion, returned; but the next time she came in her proper shape and dress,—as a female. It was a young lady, who, being under age, could not travel

without the permission of her parents, and she begged of us to grant her a foreign-office passport, so as to relieve her from the necessity of an application to the police. She also had something of a private nature to communicate which concerned *our interests*, if we would only grant her an audience, though, as she confessed with a blush, her conduct might appear somewhat extraordinary. Hereupon the lady flung aside a perfumed veil which she wore over her bonnet, with a fair and graceful hand, which had just laid down a rose, and from which the glove had been removed. We thanked her for the confidence with which she was willing to honour us; but as we were not aware of any *interest* that we could possibly have in her revelations, we would spare her the trouble of gratifying our curiosity. We added, that the police could never be so uncivil as to refuse her a passport; nor could we suppose that her parents would be so inhuman as to prevent her from going to see the Alps; we offered our congratulations to him who should have the good fortune to be her travelling companion; and, with this observation, we conducted *fortune* very civilly to the door. The goddess was neither blind nor bald, but it was easy to recognise her by the agility of her motions, *Dea mobilis*, such as we had formerly seen at Venice. By no means over-confident in our victory, we cautiously bolted the door on the inside; remembering that St. Bernard tells us that we ought to have a wholesome dread of those virgins who carry treasures in an earthen vessel\*."

Our author has been censured for the freedom with which he has given the private letters of his correspondents to the world. If there be anything in these letters of a nature to render their publication an act of doubtful propriety, we must say that M. de Chateaubriand's defence of his conduct in this particular does not appear to us to be either satisfactory or intelligible.

"We are about to throw open to the public the cabinet of a Minister in the lifetime of those by whom the affairs were conducted, and in the presence of some of the witnesses of those affairs. *The secrets of men are so futile, the men themselves are so insignificant, kings and kingdoms are*

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\* M. de Chateaubriand was born in the year 1769, and consequently was just fifty-four years of age when this pleasant adventure happened. The manner in which he alludes to the passage in the homilies of St. Bernard strikes us as calculated to mislead his readers. The passage runs thus: "Solent virgines, quæ veræ virgines sunt, semper pavidæ, et nunquam esse securæ, et ut caveant timida, etiam tuta pertimescere, *scientes se in vanis fictilibus thesaurum portare pretiosum*, et nimis arduum esse vivere angelice inter homines, et in terris more cælestium conversari, et in carne colibem agere vitam. Ac proinde quicquid novum, quicquid subitum fuerit ortum, suspectas habent insidias, totum contra se æstimant machinatum." With the entire passage before us, it is evident that the wholesome fear thus inculcated is to be entertained by the virgins themselves, and that it was for his visitor, as a protection against her own infirmity, and not for himself, that the noble Secretary for Foreign Affairs found it necessary to take the precaution of bolting his door on the inside.

*such small matters, that in truth it is not worth while to envelope in mystery all those wretched trivialities.* When by dint of inquiry we discover that some particular event was brought about by an accident, by a femme-de-chambre, by a clerk, by a conversation between two personages previously unknown, what is gained by the *manifestation* of this great truth? Whether events are brought about in this way or in that, it matters little: men are fleeting beings; the occurrences of their transitory life are overwhelmed in the long and enduring current of humanity. *Nothing appears to us more ludicrous than the important taciturnity of state secrets."*

Having arrived at this logical conclusion, M. de Chateaubriand immediately proceeds to publish the private correspondence.

We cannot conceive, however, that the friends of Mr. Canning should think it worth their while to complain of the publication of his share in this correspondence. It is, we admit, tolerably clear that a good deal has been suppressed, and that our author has selected from the letters of the English statesman only such as suited his own purposes, and such, more especially, as ministered to the gratification of his ruling passion, by flattering his literary and diplomatic abilities; but the style of Mr. Canning's letters is so fascinating, the wisdom and honesty of his views is made so apparent by comparison with the flippancy and insincerity of the Frenchman, the zeal and good faith of the writer shine so conspicuously in every line, that for the honour of our country, and our respect for the memory of the man, we cannot but rejoice in their publication. We cannot deny ourselves the gratification of extracting one of those beautiful compositions entire; it is long, but justice to the distinguished writer forbids us to mutilate by curtailment a paper of which M. de Chateaubriand declares that "he can conceive nothing more impressive (*pressant*) or more eloquent."

*"London, January 21, 1823.*

"A thousand thanks, my dear Viscount, for your long, frank, and friendly answer to my letters. I lose not a day in replying to it; because, though I have (as you may well believe,) enough of official business upon my hands at this moment, I know nothing in the whole range of the correspondence in Europe that can compare in importance with a just understanding between our two governments; and I know no so sure foundation that can be built for such an understanding as in a constant and unreserved communication with you.



"To begin with that part of your letter which relates to our language to Spain, and to the importance which you attach to our holding a common language with France; a language, I mean (for I perceive that I have expressed myself ambiguously), common with that which France holds to Spain;—I will tell you at once quite fairly, that I agree with you on the former point, but presume to differ on the latter.

"The language which you put into our mouths as that which you say you wish we had employed in speaking to Spain—what is it but the language which we *have* actually employed? Both through the Spanish Chargé d'Affaires here, and through Sir William A'Court at Madrid, Spain knows distinctly what we think on the impracticability of the constitution of 1812, and of the expediency of promising a revision of it; and these opinions are declared, with less reserve in phrase, through Lord Fitzroy Somerset, who carries with him, as his whole instruction, a memorandum from the Duke of Wellington, in which, if your very words are not set down, there is nothing of your sentiments that is not expressed. Do you believe that Spain '*compte sur nous pour des secours d'armes et d'argent*'? Not she, I promise you. Do you imagine that, knowing we shall not be '*contre*,' she has reason to flatter herself that we shall be '*pour elle*' in a war with France? Be assured that she is under no such misapprehension. If you harbour such, after having seen us in a manner which you characterize (and I do not mean to say characterize unjustly,) as '*si rude*,' do ourselves right against Spain by force, at a moment when we risked, by so doing, the chance and the consequent misinterpretation of a coincidence between our maritime aggression on the Spanish colonies, and a French irruption on the Pyrenees;—what would not your apprehensions,—your suspicions, have been, if we had sacrificed our commercial rights and interests to a desire of propitiating Spain; and to the purpose (it might have been said), of leaving her hands more free to cope with the combination of the continental powers?

"You are right, I dare say, in your belief, that this proceeding of ours has '*blesé l'orgueil Espagnol*;' but at least it must have destroyed (in fact it *did* destroy,) the illusion that we had any thoughts of making common cause with Spain.

"Nay, it did create, at the first moment, an impression that we were leagued with you, not in counsel only, but in action, against Spain; and it is against the remnant, or the possible revival, of that impression, we were obliged to guard, when, though speaking (as I have assured you) the language which you would dictate, we nevertheless decline speaking it in concert with you.

"In truth, how *could* we speak in concert with you, not being prepared to adopt your conclusions;—not having (to state the matter fairly) the same right as you to adopt them? You say to Spain, 'Your present system is not only distasteful to us, it is practically injurious. It subjects us to incessant alarm; it imposes upon us burdensome precautions. A period will arrive, and that shortly, when, if that system is not changed, we must revise our precautions and change them for other means more efficacious.' I do not mistake your argument, I think; I do not here intend to question,

much less to combat it; I am only showing that *your* argument is not *ours*; that we have neither the right to use it, nor the interest, which you believe yourselves to have—the *immediate* interest—in its successful application. A *general* interest we have, that Spain and every other country in Europe should be well governed; a *general* interest we have that the peace of Europe, and particularly the peace between France and Spain, which is the most imminently and obviously in danger, should be preserved.

“ But if your interest in the amendment of the Spanish constitution is such that you feel yourselves justified in saying, ‘Amend it, or we make war upon you;’ if ours, on the other hand, is only such as may authorize us to say, ‘Amend it *for your own* sakes, we conjure you, or you hazard a war with France;’ is not the difference between these two addresses such as makes it impossible that they should be uttered in concert? Would not the uttering them in concert change essentially the character of one or the other of the speakers? Would it not dilute your menace into a remonstrance, or exasperate our representation into a declaration of hostility? And, not intending hostility, is not our best chance of a favourable hearing with Spain to be derived from a tone corresponding with our intentions? If ‘l’orgueil Espagnol’ is the obstacle to enforced concession, is it not advisable to keep *one* channel open through which concession might appear to be made to reason and not to force? I do not warrant to you the chances of success through that channel; I am become less sanguine than I was in the hope of it. Things have fallen out untowardly, and contrary, I confess, to my calculation. I did expect that the French despatch would not be delivered till after those of Russia, &c. It has preceded them. I reckoned much upon the interval that would follow the departure of the three chargés d’affaires—the Minister of France still remaining at Madrid; and, as I understood M. de Villèle’s despatch to M. La Garde (but I presume incorrectly), waiting for some *new* fact to ‘*motiver*’ his departure. It now seems as if M. La Garde were to follow his three colleagues more closely; and on nearly the same grounds. I think these changes unfortunate; but still I do not despair. I do not despair *if you continue to be for peace*, and if your just estimate of the dangers of war to France does not yield to your belief of its facilities and your anticipation of its glories. But, I own, some of your topics alarm me, more than your reasonings tranquillize me upon that point.

“ When I speak of the dangers of war to France, do not suppose that I undervalue her resources or power. She is as brave and as strong as she ever was before; she is now the richest—the most abounding in disposable means of all the states in Europe. Hers are all the sinews of war, if there be the disposition to employ them. You have a million of soldiers you say at your call. I doubt it not: and it is double the number, or thereabouts, that Bonaparte buried in Spain. You consider a ‘*premier succès au moins*’ as certain; I dispute it not. I grant you a French army at Madrid; but I venture to ask ‘what then?’—if the king of Spain and the Cortes are by that time, where they infallibly will be, in

the Isle of Leon?' I see plenty of war if you once get into it; but I do not see a legitimate beginning to it, nor an intelligible object. You would disdain to get into such a war through the side-door of an accidental military incursion. You would enter in front, with the cause of war blazoned on your banner. And what is that cause? Is it to be learned from the notes or despatches of the four continental powers—or from M. de Villèle's only? Is it vengeance for the past, or security for the future? You disclaim the former no doubt:—but how is the latter to be obtained by war? I understand a war of conquest; I understand a war of succession—a war for the change (on the one hand) or the conservation (on the other) of a particular dynasty. But a war for the modification of a political constitution; a war for the two chambers, and for the extension of the regal prerogative; a war for such objects as these, I really do not understand, nor can I conceive how the operations of it are to be directed to such an end. You would not propagate *la Charte* as Mahomet did the *Koran*; or as in the earlier parts of your revolution France did the rights of man. Consider: is there not some forbearance on the part of Spain, in not throwing these things in your teeth? Might she not, when informed that her change of constitution has not been bloodless, desire that it should be compared with 1789 and 1792-3? Might she not, when accused by Russia of a forcible change of Government, remind the Emperor Alexander of the events which preceded his own accession, and the treaty of Tilsit, which made over Spain to Bonaparte? Might she not speak to Prussia of the promises of free institutions made by a king and violated? Might she not accept Prince Metternich's appeal to the former union of Spain and Austria, and turning to us (if we took part in the lecture) say that she was ready, like England in 1688, to preserve her laws and liberties by a slight change in the reigning dynasty, and to place an Austrian, with enlarged powers, upon her throne? Surely the discussions with which the war has been prefaced are as hazardous as the war itself. Consider before what an audience you plead; how many of their passions are against you, how few of their sympathies with you. In the beginning of the French revolution, the character of your Louis XVI. ranged all that was good in Europe on his side. Of Ferdinand, is it not enough to say that in the British parliament, and not in the popular branch of it, but in the House of Lords, and not by a factious orator, but by the first minister of the king, (a man whose temperance and sobriety of judgment even his adversaries extol,) it has been admitted that the conduct of Ferdinand had 'provoked a revolution?' And do you make war to free such a monarch from all restraint? And do you hope to have mankind with you?

"Judge of the confidence with which I mean to open myself to you, when I hesitate not to submit such arguments as these to your consideration.

"I have, however, detained you too long. Only one word more. The arguments which I thus venture to address to you, do not imagine that I suggest them to Spain.

"Far otherwise. With regard to the personal safety of the king, we



have spoken at Madrid as plainly as you could wish us, or as you could speak; and I verily believe there is no danger. With regard to his prerogatives, we have not disguised our opinion that they ought to be enlarged; and I am not without hopes that a revisal of the constitution *is* intended. I am *sure* its imperfections are acknowledged. But *can* they *promise* a revisal of it under pain of invasion? Make the case your own. Would France yield anything to such a menace? Did she?

"But so far is our language to Spain from being the language of encouragement to defiance, that I venture to affirm it is merely attributable to Sir W. A'Court's advice, that the communications of the three powers were not met by an *instant* transmission of their passports: and while I am writing I receive despatches of the 10th from Madrid, which inform me that it is under discussion in the Spanish cabinet whether they shall not ask *our good offices* with *you*. I do not answer for the result of that discussion. But will you prevent the chance of such an opening for explanation and peace? I trust not.

"And so, for the present, farewell.

"G. CANNING."

But all this forcible reasoning, so nobly and fearlessly urged, was thrown away upon him to whom it was addressed. M. de Chateaubriand's determination had been long since taken, though there is no want of evidence in this letter to prove that the English minister was still continuing to receive from the French Government the most plausible assurances of their peaceful disposition.

Our author does not appear at any time to have been capable of appreciating the elevation of a character like Mr. Canning's. His vanity protected him from the mortification which would have arisen from the conviction of the English statesman's immeasurable superiority. He is simple enough to record his belief that when Mr. Canning heard of his obtaining the portfolio of foreign affairs he was "stung with emulation"; that it was the miserable ambition of our countryman to "tilt at *memorandums*" and state papers with the great literary champion of France. "When he heard of our appointment he said to his secretaries, '*Soignons nos dépêches, Messieurs!*' He corrected and frequently wrote them himself, and when he was satisfied with them he would ask, 'What will Chateaubriand think of them?' This intellectual struggle *between two minds who esteem and fear one another, is a curious fact in the history of diplomacy,* IN GENERAL THE SCHOOL OF FALSEHOOD AND DISSIMULATION!"

He accuses Mr. Canning of having made "a paltry and shameful defence" for him on one occasion against the attacks of Mr. Brougham. The attacks of the great leader of the opposition of that day seem to have stung M. de Chateaubriand to the quick; but he is unjust to his friends in the House of Commons, and indeed he was quite unreasonable in expecting that they could do more than they did to protect him. Mr. Brougham did not confine himself to political topics, but, as if anticipating the force with which such blows would tell upon the self-love of his victim, he attacked the literary reputation of the French minister with immense vigour and success. A portion of one of his speeches, which we copy from Hansard, will convey to our readers a tolerable idea of the style of these assaults: "In a work written by a high and distinguished foreigner at no very distant period from the present time, and upon which work some portion of that individual's literary fame was founded, he stated that having resided in this country for more than two years, in great intimacy with the people, he had had sufficient opportunities of observing their character and habits; and among others he noticed that they were so fond of all occasions of grief and mourning, that there was hardly any of their dramatic representations in which funerals were not introduced. 'Such delight,' he adds, 'do these sombre islanders take in sad spectacles, that they frequently assemble for the purpose of being entertained with the spectacle of a funeral;' and this he endeavoured to prove by referring to the fact that on many of the labels displayed at the doors and windows of tradesmen were to be found the words '*funerals performed here*'! This might appear ludicrous; he would therefore proceed to a topic which would more nearly interest them. The ingenious and accurate author went on to say that the House of Commons was composed of three parties, the ministerial, the opposition, and a third party called 'the Anglicans.' The House, he dared to say, had not before been aware of the existence of this party, but the author had nevertheless discovered it. These latter, continued the writer, were more numerous and more powerful than all the rest; they were one hundred in number, and at the head of them was his honourable and revered friend the member

“for Bramber\*. They were men who had strong feelings for religion, but it was for no religion except their own. In this the author was as accurate as he was in the rest of the statements; for he knew that the religion of his honourable friend was that of the established church. Their wives, he continued to say, dressed as Quakers; but both they and their husbands gave up all their revenues to the poor. *Of this party was Mr. Pitt and his wife*, and it was by their influence that he had so long continued to keep his office. This author, the House would perceive, became more accurate as he proceeded; for he said that the opposition party were almost without credit; their chief was *Mr. Fox, who had lost all his eloquence from the effect of old age and the excesses of his youth*. After the description which he had given of his book, it was perhaps not necessary for him to state that the liberal and enlightened author of this book was no other than the same person whom the right honourable gentleman had so ably and so eloquently eulogized, neither more nor less than the Viscount de Chateaubriand.”

Our author had met Mr. Brougham at a dinner party about a year before these occurrences at the house of Lady Jersey—a lady by the way who “reminded him of the first Duchess of Devonshire, the author of the poem on the Mount St. Gothard,” and who was “the English Duchess of Chevreuse minus the high adventures and plus the regularity of her conduct,” and “belonged by nature to the opposition, *comme on est oiseau ou poëte par la volonté des astres*.” At this party Mr. Brougham was forced to content himself with eyeing M. de Chateaubriand with “a sort of sarcastic inquietude,” but *would have been* more insolent “if he had had the right to be so.” On this occasion the appearance of Mr. Brougham was very plebeian, and he had besides “*cette expression des rues inhérente à l’humeur de John Bull*.”

This, our readers will perceive, was when Mr. Brougham was meditating those unworthy attacks on the author of *Atala*; in which he was to be described at one time as “a cloggy writer,” at another as “a miserable sycophant of Bonaparte;” “a bigot who travelled to Jerusalem to procure water from

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\* Mr. Wilberforce.



the Jordan for the baptism of the king of Rome." No wonder that his countenance should then have appeared plebeian and his manners vulgar; but it is highly gratifying to learn how very much he is improved in these respects since his elevation to the peerage; and the English aristocracy will no doubt feel the force of the compliment when M. de Chateaubriand affirms that it is *in consequence* of that elevation that the improvement has taken place.

"Mr. Brougham, then become Lord Brougham, forgetting what he had said of us, did us the honour to call twice to see us in Paris. When he was announced we were a little surprised; we rose, advanced towards him, and said, 'My lord, I am very glad to find that you do not bear me a grudge for your former speeches.' His lordship took a seat: *the lustre of his rank had already polished his manners, and his democratic trivialities had acquired a certain graceful frankness, which pierced through the less familiar tone of aristocracy.*"

It is not easy to conceive absurdity more ludicrous than this; but at the same time we must not omit to state, that as the observation to Lord Brougham, by which the lines in Italics are immediately preceded, "*Milord, je suis bien aise que vous ne m'en vouliez pas de vos anciens discours,*" is felicitous and witty, so also the remarks by which they are followed are really touching; they are reasonable and true to nature, and honourable to both the parties concerned.

"We chatted cordially together, as if Lord Brougham had always been our admirer and our friend. He thought no longer of the Jordan, of our *bigotry*, of our *pecuniary interests*; he honoured us as a *gentleman* in poverty, sincere in his opinions, and faithfully attached to an unfortunate race; while we, on our part, were delighted to converse with a scholar of such superior understanding and information."

We have seen that M. de Chateaubriand loves to represent the war of 1823 as the great event of his political life; and as England was, after Spain herself, the party most interested in preventing the invasion, or, if she could not prevent it, in neutralizing its effects, we are not surprised to find that throughout the whole of his narrative the author should betray unceasing hostility to the interests of England and an irritable jealousy of the reputation of English statesmen. Russia, on the other hand, was of all the powers assembled at Verona the most zealous partisan of the war and the firmest prop of the French diplomacy; and it will be observed ac-

cordingly that M. de Chateaubriand is not only the devoted panegyrist of Alexander's personal character, but that he puts himself forward upon all occasions as the defender of the ambitious and perfidious policy of Russia. The book is obviously written in the interest of Russia ; the author labours to prove that her alliance has been, at all times since 1814, most advantageous to France, and that it is, and has been, the true policy of the French Government by a strict union with Russia to secure territorial aggrandizement at the expense of other powers and thus counteract the inimical projects of England and Austria. Among other claims to the gratitude of France put forward on behalf of Russia, we are told that at the Congress of Aix la Chapelle the allies had resolved to deprive France of a considerable portion of her territory, and that it was only through the interposition of the Czar that the French minister was enabled to defeat their intentions. This is not the first time that the existence of such a project has been publicly asserted, but we were not aware that the allies had proceeded so far as M. de Chateaubriand states.

"The only moment when the true spirit of the restoration was perceptible was at the congress of Aix la Chapelle ; the allies had agreed upon depriving us of our northern and eastern provinces ; the Duc de Richelieu interposed. The czar, *touched by our misfortunes and impelled by his love of justice*, delivered to M. de Richelieu a map of France whereon was traced the fatal line. I have seen with my own eyes this Stygian chart in the hands of Madame de Montcalm, the sister of the noble negotiator."

It is easy to trace the progress of this subserviency to the policy of Russia in the mind of M. de Chateaubriand from its origin at Verona. After the departure of M. de Montmorency for Paris our author was brought into frequent and rather familiar intercourse with Alexander, and his susceptible imagination seems to have submitted unresistingly to the influence which that cunning "Greek of the Lower Empire" sought to acquire over him. He tells us that *the Emperor had been warned to be upon his guard against his seductions* ; but never in our opinion was warning less called for by the circumstances of the case ; the danger was all on the other side, and it might indeed have been well for M. de Chateaubriand if some prudent friend had warned *him* against the powerful seductions of flattery proceeding from so high a station and

brought to bear on literary and political vanity with such extreme adroitness.

“ M. de Montmorency having left the congress, the part which remained for us to perform, though short, was augmented in importance. Those hours, though few, are dear to our remembrance, for we owe to them the most illustrious friendship of our political career,—a friendship which continued true to the last.

“ The Emperor of Russia had been warned to be on his guard against us ; he had been told that if he saw us, we should exercise over him a seduction which he would find it difficult to resist. We had been presented to him in Paris ; he then supposed us to entertain *ultra* opinions ; and as he was then a *liberal*, our opinions, except on religious points, were not to his mind. When we met again at Verona he had become an *ultra*, whilst we remained, what in fact we always had been, liberal ; so that, the same disagreement of opinion continued to exist, only the opinions were now reversed. At the congress he treated us with politeness, but with reserve. We observed him frequently in his walks, but being too well-bred to notice him, we waited until he should think proper to make some sign of recognition or address to us a word as he passed.”

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“ M. de Montmorency having quitted Verona, Alexander sent for us ; we had not been together a quarter of an hour before we found ourselves mutually agreeable to each other. We are aware that we are associating ourselves rather too familiarly with that great one of the earth ; but it is the familiarity of souls—the souls of men are equal, and familiarity of that sort does not diminish respect. The emperor experienced that surprise which we have so often remarked upon the countenances of persons whose opinion of us had been formed upon a fancy portrait. Absorbed by the idea of the Spanish war, and foreseeing no dangerous obstacle except British jealousy, we exerted ourselves to gain over Alexander, so as to oppose him to the malignity of the cabinet of London.”

A few pages further on we find a singular passage, which strongly confirms the opinion we have expressed of the objects which the Czar had in view, and of the means by which he acquired so great an influence over the mind of our author. The readers of M. de Chateaubriand's multifarious writings will be startled by the declaration that Alexander was the only prince for whom he ever conceived a *sincere* attachment, and they will be astounded at the very contemptuous manner in which he dismisses the various other sovereigns for whom he was in the habit of professing such unbounded devotion. The passage is replete with curious revelations ; among which the concluding observation is not the least surprising.



" We venture to say that Alexander became our friend, if princes have affections, and if friendship can subsist between persons separated by so great a difference of rank. It was through Alexander that we opposed the malevolence of Austria, when by instigating the ambition of Naples\* she hoped to produce a catastrophe in Madrid, and it was Alexander also who held England in check. He addressed to us the most flattering letters, and *declared that he would sign with his eyes shut* anything that we might send him. An estafette brought us the order of St. Andrew as soon as the deliverance of Ferdinand became known.

" At the time of our dismissal from office we might have retired to Russia, where honours and fortune awaited us ; but we do not go to seek after matters to which we are so perfectly indifferent. Alexander is the only prince for whom we have ever felt a sincere attachment. What then becomes of the other sovereigns ? *They are a mere necessity arising from the incomplete education of the nations*,—a necessity to which we submit with fidelity and respect ; is not that enough ?"

We are thus called upon to believe that M. de Chateaubriand, when he offered to all manner of princes the incense of his poetical admiration, was at heart all the while a worshipper of the simple forms of republicanism !

Several years after the period to which these volumes chiefly relate, in " a Memoir on the affairs of the East" addressed to M. de la Ferronnays, the French ambassador at St. Petersburg, M. de Chateaubriand expounded at some length his views on the Russian alliance ; and his convictions upon this point are evidently not less powerful at the present moment, when the partisans of the exiled dynasty are said to cherish the hope of obtaining for the Duc de Bordeaux a Russian princess as his wife.

" I have sufficiently proved, that in the alliance of France with England and Austria against Russia, we should be duped, and that in it we should find nothing but the loss of our blood and treasure. The alliance with Russia, on the contrary, would enable us to obtain establishments in the Archipelago, and to extend our frontiers to the banks of the Rhine. We may hold this language to Nicholas : Your enemies are courting us ; we prefer peace to war ; we desire to maintain neutrality ; but if you cannot settle your differences with the Porte in any other way than by arms ; if you are resolved to advance to Constantinople, enter into an equitable partition of European Turkey with the Christian powers. Such of these powers as are not so situated as to receive an increase of territory towards the East, shall receive compensation elsewhere. As for us, we will take for our

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\* This refers to the claim put forward by the King of Naples to the Regency of Spain whilst Ferdinand was in the hands of the Cortes.

share the Rhine as a frontier line from Strasbourg to Cologne. Such are our just pretensions. It is for the interest of Russia (so said your brother Alexander,) that France should be strong. If you consent to this arrangement, and the other powers reject it, *we will not suffer them to interfere in your quarrel with Turkey*; if they attack you in spite of our remonstrances, we will join with you to fight them, but always on the conditions which we have just stated. This is what might be said to Nicholas. Never will Austria, never will England consent to give us the boundary of the Rhine as the reward of our alliance with them; but it is nevertheless there that, sooner or later, France must place her frontiers, as well for her honour as for her safety."

We have seen in the quotations made by Lord Brougham in the House of Commons from one of M. de Chateaubriand's former works, how far the accuracy of our author, in matters relating to the manners and customs of the English people, and even to our Parliamentary history within his own time, may be relied upon. The portions of the present work in which he discusses the motives and characters of our statesmen exhibit a similar want of correct information; with this difference, that the ignorance which they display, if it be somewhat less in degree, is incomparably more objectionable in kind. It was the bounden duty of a writer about to publish severe charges against men to whom he was in the habit of addressing vehement professions of friendship and admiration, to take care at least that the facts upon which his imputations were founded should be cautiously verified; but this M. de Chateaubriand has entirely omitted to do. We shall give a few instances, out of many, of the recklessness with which he scatters about his accusations, beginning with his observations on the conduct of England in relation to the slave-trade, one of the questions which the Duke of Wellington was instructed by his Government to bring under the notice of the Congress of Verona.

"Here we must admire the spirit of Christianity, and the influence which it has exercised, and still continues to exercise, with increasing force, upon the progress of civilization; but at the same time, how strange has been the policy of the cabinet of St. James's in persisting to introduce this remote and incidental question of slavery in the midst of discussions the most important and interests the most immediate! England was afraid that the traffic which she had unwillingly renounced should fall into the hands of some other nation: she wished to compel France, Spain, Portugal, and Holland suddenly to change the system of their colonies, without considering whether those states had attained such a degree of moral preparation as would render

it safe to concede emancipation to the negroes, and by so doing, to abandon to the mercy of Providence the property and the lives of the whites. That which England had done, all other nations were called upon to do, to the detriment of their navigation and of their colonial possessions. Because England (who is mistress of India, Australia, the Cape of Good Hope, the Isle of France, Canada, and some islands in the Mediterranean,) does not want St. Domingo and the Bermudas for the purpose of maintaining her fleets and her seamen, we were required to cast into the sea, without hesitation, Pondicherry, the Isle of Bourbon, Cayenne, Martinique, and Guadeloupe,—we who, apart from the soil of France, possess only those miserable points upon the whole surface of the globe. The Marquis of Londonderry and the Duke of Wellington, the enemies of liberty in their own country; Mr. Canning, the disciple of William Pitt and the opponent of Parliamentary reform; all those Tories who for thirty years had opposed the motions of Wilberforce, had now become enthusiastic for the liberation of the negroes, while in their hearts they cursed the liberty of the whites. White Englishmen had been sold for slaves in America so recently as the time of Cromwell. The secret of these contradictions is in the selfish interests and the mercantile spirit of England; this is what we must bear in mind if we do not choose to be duped by her ardent, though somewhat tardy, philanthropy:—*philanthropy is the spurious coin of charity.*"

We shall not stop to notice any of the singular errors in fact which are to be found in this passage, but shall only observe, that these observations are the preface to the publication of a memorial drawn up by our author in reply to that which was presented to the Congress by the Duke of Wellington, and the subjoined passage from the memorial will appear doubly striking if considered in connexion with the preceding observations.

"A parliamentary motion, for ever honourable to its author, has finally been crowned with success; but for how many years was that motion baffled before it was allowed to become a law, though supported by one of the greatest ministers England has ever produced! During the protracted discussions of this question, public opinion had time to become matured and settled; and the mercantile interest, foreseeing the result, took their precautions. A number of negroes, exceeding the immediate necessities of the colonists, were transported into the English islands, and permanent generations of slaves were prepared to fill up the void left by casual servitude when it should come to be abolished."

It may be said that as these observations were written in the year 1822, the writer might possibly have been sincere in the opinions and suspicions he was then recording; but they are *published* in the year 1838, and the publication is preceded by a comment, in which the imputation against



England of bad faith in her mode of dealing with this question is deliberately repeated. The unprecedented sacrifices by which England has proved the sincerity of her zeal in the cause of negro emancipation were *then* well known to M. de Chateaubriand; what must we think of the honesty of a writer who, treating of a question like this, omits all notice of the twenty millions paid by England in compensation to the planters, and of the act of parliament by which she has completed her righteous work? Are the twenty millions of pounds sterling, by which the dictates of her *philanthropy* are reconciled with the nicest observance of the rights of property, to be designated as "*la fausse monnaie de la charité*"? Let M. de Chateaubriand compare the 208 millions of francs spent by *his* advice in the war against the liberties of Spain, with the 500 millions of francs paid by England for the abolition of slavery; even *he* may then blush at his illiberal and mean-spirited strictures on the conduct of a nation, whose motives he so wantonly attacks.

In speaking of the project for the establishment of independent monarchies in South America, and placing the revolted colonies of Spain under the dominion of princes of the Bourbon race, M. de Chateaubriand uses language which is calculated to lead his readers to believe that the idea originated with him. "Our project," he says, "is well known," (he always writes in the first person plural, and the *notre* in this passage must be taken to mean, as it does throughout the work, *mon*.) "*we* wished to snatch them (the colonies) from the influence of England, and to transform them into representative monarchies under the rule of princes of the house of Bourbon;" and again, in language which appears a still stronger evidence of his intention, he says,

"History has but too completely fulfilled *our* predictions—in what condition are these colonies at the present day? An everlasting civil war, and a succession of tyrants governing under the permanent name of liberty. Urged by all these considerations, *we were right then in thinking that in creating monarchies under the Bourbon sceptre, we were labouring as much for the happiness of these countries as for the aggrandizement of the family of St. Louis.*"

But putting the intention of the writer of these sentences out of the question, it may be as well to remove all uncertainty

as to the fact, by stating at once that M. de Chateaubriand was by no means the person with whom those projects originated; the designs of France in relation to this matter were the subject of discussion in the British Parliament so far back as the year 1820, just three years before M. de Chateaubriand obtained the portfolio of foreign affairs; and we have lately seen in the *Times* newspaper\* (of the 27th of August in the present year) translations of the most important of the documents connected with this transaction, as they were transmitted to their Government by their envoys at Paris from the United Provinces of South America.

In reasoning upon these projects, we find that our author, compelled by the nature of his subject to make frequent allusions to the policy of England, never for a moment abandons that tone of depreciation and gross misrepresentation which seems to have almost become habitual with him. He says that he was prepared to brave the indignation of England: "The emperor of Russia listened to us, and we might bid defiance to the power of England; a war with her would have given

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\* The person in whose behalf these negotiations were carried on was the Prince of Lucca. The first of the documents published in the *Times* is dated Buenos Ayres, October 26, 1819. The French minister for foreign affairs is represented as having commenced his observations to the South American envoy by expressing the anxious wish of the French Ministry for the success of the revolt, and deploring the obstacles which prevented them from taking a decided, active, and open part in support of the insurgents. He then remarked that their success would mainly depend upon the form of government which they should select; for his part, he would recommend a constitutional monarchy. This point settled it would become necessary to look for a prince to place at the head of the new dynasty. He ought to be an European prince, whose connexions might command respect for the new state. A happy thought had struck him, and he would hasten to communicate it to the envoy; who so desirable, in every respect, as the Prince of Lucca? he was lately the heir to the kingdom of Etruria, and was descended by the maternal line from the august dynasty of the Bourbons; the Emperors of Austria and Russia were his friends; the King of Spain could not be displeased at seeing his nephew occupying the throne of those provinces which had belonged to his dominion; and an arrangement might be made by which Spain might hope to obtain considerable advantages for the trade of the Peninsula; and, finally, this arrangement would be highly gratifying to the King of France, and his most Christian majesty would solicit for the Prince of Lucca a marriage with a princess of Brazil, on the express condition of the evacuation of the Banda Oriental. These propositions were addressed to Don Jose Valentin Gomez by the French minister in Paris, and were by him duly communicated to his Government, the United Provinces of South America. The consent of England to the proposed arrangement was cavalierly disposed of in the usual summary manner: "England could not offer any just or reasonable ground for resisting it."



"us no alarm; *we should have been glad to wither her Waterloo laurels* \*." A very amiable disposition, no doubt, on the part of M. de Chateaubriand, considering that he was at that moment the servant of a monarch who had been twice restored to his throne by the exertions of England, and by her profuse expenditure of the blood with which those laurels were sprinkled. But something still more curious remains. In a short history of the insurrection of the Spanish colonies, he tells us that England would have interfered long before the period

\* Upon other occasions M. de Chateaubriand uses similar language in speaking of the chances of a war between France and England. He takes care to tell us that the exertions made by the French ministers at the congress to secure the neutrality of England in the quarrel between France and Spain, did not appear to him so necessary as they seemed to his colleagues. "We were bound to consider that England might place herself in active opposition to us in the affairs of Spain. The only way to parry this blow, was to present to her a compact union of the allied powers, and to let her see that a war with France would be for her a possible war with the whole continent, a certain war with Russia. *The value of this precaution was not however estimated very highly by me; for I am of opinion that in the case of hostilities between France and England, success would not be so very difficult, if the war was conducted on a new plan, and we did not take fright at the necessity of a few sacrifices which we should be called upon to make; but in the present case it doubtless was prudent to prevent a rupture, and to keep Mr. Canning in check by holding out to him the possibility of a general conflagration.*" But we doubt whether M. de Chateaubriand is quite in earnest in this pleasant manner of treating the question of a war with England. Three years after the close of this Spanish war, it fell to the lot of Mr. Canning to describe, in a memorable speech, the position occupied by England in relation to the powers of the continent, and the nature of the war which they would have had to wage with her if she had been goaded into the strife. Our readers will recollect the fine passage in which he compares the situation of England, amidst the struggle of opinions that agitated the different countries of Europe, to that of the ruler of the winds:

"Celsa sedet Æolus arce,  
Sceptra tenens; mollitque animos et temperat iras;  
Ni faciat, maria ac tellus cœlumque profundum  
Quippe ferant rapidi secum, verantque per auras."

This speech is noticed at some length by M. de Chateaubriand; and it is curious to contrast the plaintive and reproachful tone in which he comments upon it with his vauntings of the facility with which he could *wither the laurels of Waterloo*. We give only the concluding observations: "France, when we were ministers, had very different pretensions. On the field of battle she would have sought to rally round her standard, not the disturbers of national peace, but men faithful to honour and to their country, the friends of public liberty and of order. If ever we had been compelled to combat England herself, we should not have sought to excite upon her soil, in the midst of her hearths and of the sacred ashes of her ancestors, the passions of the millions who are discontented with her government; we should not have lighted ourselves to victory by the flames of civil war; a victory not purchased by our own blood we should have deemed unworthy of us. A grateful world will continue to thank the country of Bacon, Shakespeare, Milton, Newton, Byron and Canning for the instruction which we owe to them. The English nation has conferred too much honour on humanity for any enemies to attempt her destruction by means of troubles excited in her own bosom."



to which he is referring, but that she was restrained by certain considerations. "England could not *openly* attack the Spanish colonies, because the king of Spain, a prisoner in France, had become her ally; she even passed Acts of Parliament to prevent the subjects of His Britannic Majesty from giving any assistance to the Americans; but *nevertheless* six or seven thousand Englishmen enlisted to support the insurrection in Columbia." Upon this singular statement it is only necessary to remark, that the beloved Ferdinand was released from his captivity by Bonaparte in the year 1814, and that the foreign enlistment bill was passed in the year 1819, upon complaint made by the Spanish ambassador of the number of British subjects who were embarking in the service of the new republics. The future historian, for whose labours M. de Chateaubriand informs us that he intends his work to furnish materials, will find some difficulty in persuading himself that such passages as this, of contemporary history too, could have been penned by a statesman who occupied during an eventful period the post of foreign minister to the crown of France.

We do not find in these volumes much that relates to the personal character of the Duke of Wellington, but there is in one of the earlier chapters a passage from which we may infer that our author does not entertain a very high opinion of His Grace's political talents:

"The Duke of Wellington had done to legitimacy the injury of forcing the services of Fouché upon the crown, and had committed against the nation the crime of winning the battle of Waterloo. With the exception of five or six men of genius, all great captains have been but sorry creatures (*des pauvres gens*). No renown is more brilliant than the renown of arms, or less deserves the glory which is shed around it. It was in vain to caress the successor of Marlborough in order to draw him aside from the policy of his country; it was all lost time. *Sa Grâce, pour se désennuyer de nous, cherchait à Vérone quelque des Ursins qui pût écrire à la marge de nos dépêches interceptées: POUR MARIÉE—NON.*"

In this passage there is one observation with which we are well disposed to agree. We have ever thought of martial glory much as our author thinks, and we are convinced that military talents are very far from holding the highest rank among intellectual endowments; but we are quite unable to understand how the fact that the caresses of M. de Chateau-

briand were wasted in the attempt to seduce the Duke of Wellington from the policy of his Government can be taken for an indication of the mental inferiority which he ascribes to our illustrious countryman. We have printed the concluding lines in French, because they are not more obscure in the original than in the translation; but in this instance the obscurity is not the fault of the translator; the anecdote alluded to is not very generally known in England.

The Princess Orsini, the favourite of the queen of Philip the Fifth of Spain, was placed about the person of her Majesty by Louis XIV., that she might watch over the interests of France at the Spanish court. After some time her enemies, anxious to destroy her influence, represented her conduct, both private and political, in an unfavourable light to the French king. It is said that on one occasion, having caused the courier of the French ambassador to be stopped, she found that in some of the despatches directed to the King her character was virulently assailed. Among other things it was alleged, that her over-intimate connexion with a certain D'Aubigny, her *homme d'affaires*, gave rise to a general belief that they were married. The Princess, stung to the quick by this accusation, lost all command of herself, and wrote upon a corner of the despatch the words *pour mariée, non*, and was rash enough to forward it, with this marginal commentary, to the King. So strange a justification of her conduct in one particular was naturally taken as an admission of all the rest. But how does this apply to the Duke of Wellington? Does M. de Chateaubriand mean to insinuate that His Grace was attempting to bribe some wretch to stop the messengers of the French embassy on the highway, and rob them of their despatches? We do not believe one word of it; and the mere supposition, resting on no better foundation than the poetical fancy of M. de Chateaubriand, is rather apt to give an idea of what the Frenchman was capable of, than likely to induce any one to suspect the English statesman of such nefarious practices. But the conceited Viscount, thinking himself the greatest minister at the congress, fancied that every cabinet must be anxious to be informed of his dreams, no matter by what means, or at what sacrifice of honour, the knowledge was obtained.

We have thus endeavoured to lay before our readers a correct account of a work, to which the author attaches much importance, as describing his conduct, and the motives by which he was actuated, in the most eventful period of his versatile existence, a period during which it was permitted to him to exercise considerable sway over the destinies of his own country, and to overthrow the liberties of an adjacent state. Our task would have been less irksome had we found in these volumes more which we could conscientiously have praised. We have not forgotten that there is at least one act of the life of M. de Chateaubriand, which justly earned for him the respect and admiration of Europe—his conduct upon receiving the intelligence of the Duc d'Enghien's murder. The moment he heard of that horrible crime, he hastened to resign the embassy to which he had recently been appointed by Napoleon ; thus braving the fury of the despot at a moment when his power was near its zenith, and his passions in their most terrible excitement. The manner too in which he was dismissed from office in 1824 by that bad race whom it was then his fate to serve, and his subsequent fidelity to their desperate cause, cannot fail to enlist sympathy in his behalf. But in reviewing the *Congress of Verona* we could not hesitate as to the tone which it behoved us to adopt : when a work from the pen of so distinguished a writer professes, as this work does, to *furnish materials for history*, it imposes upon his reviewer the obligation of exposing, as best he may, the vanity of its pretensions, the hollowness of its principles, and the inaccuracy of its assertions.



## ARTICLE VIII.

*Poems of Many Years.* By R. M. MILNES.

*Memorials of a Residence on the Continent.* By R. M. MILNES.

THESE volumes have as yet been printed for private circulation only; we understand, however, that it is the intention of their author to give them to the public at some future period; and we may, therefore, venture to direct towards them the attention of the readers of poetry, in the hope that they may not long be debarred from the pleasure which we have derived from their perusal. The specimens which we shall lay before them, in vindication of our favourable judgment, will, we trust, speak for themselves; and every opinion is now required to give some account of itself, if it hopes to be considered respectable. Moreover, poetry is less plentifully supplied to us at present than it was a few years since, or, which comes to the same thing, everybody has agreed to say that such is the case, and every notice of a new writer is expected to begin with "In the existing dearth of poetry," or some equivalent expression. Much, too, has been said and written, not merely to prove the fact of such scarcity, but to demonstrate its necessity, and thereby to prepare us to expect its continuance; with all which, however, we are not otherwise concerned, than to point at it as a justification of the general nature of the remarks suggested, under such circumstances, by the appearance of these volumes. If a phenomenon be rare, there is the more need for observing it accurately. If, indeed, there were a natural law ordaining that periods of literary plenty should alternate with periods of famine, it would be difficult to look back upon the last thirty or forty years without anticipating the latter for the coming generation. Few will deny that such a view presents us with a body of poetry, to which, for extent, originality, and beauty, any age and any nation might refer with pride; inventive, not imitative, one of those outbreaks which mark an æra, and distinguished not more by genuine vigour than by the unparalleled width and variety of its range. From Crabbe, the poet of daily realities, sometimes humorous, sometimes fearful, and in the spirit of accurate truthfulness verging as nearly

upon prose as is permitted to a poet, to Shelley, the most ideal of idealists, whose works contain a larger proportion of unmixed, unalloyed poetry than those, perhaps, of any other writer, a kind of essence of poetry abstracted, as it were, from the body with which it is usually conjoined—how wide is the distance! Yet there is no lack of occupants to fill up the space between. These two being the nadir and the zenith, we may well say that the collective poetry of the age,

“ Though its head be hidden in the skies,  
Plants its firm foot upon the common earth,  
Dealing with thoughts that everywhere have birth ”—

even were we to doubt whether any individual representative thereof had altogether filled up the measure of this noble eulogium.

It is a privilege to live under the immediate influence of a time from which posterity will date the revival of English Poetry. It is almost necessarily incidental to such a revival, that it should present itself to its contemporaries under a somewhat anarchic appearance—the ephemeral, more even than at any other time, struggling with the permanent, often successful in imposing itself as such upon the many, and vexing with doubts even the judgment of the few. This struggle is not yet over; but its ultimate results may be conjectured from the general tendency of that singular literary revolution which the last few years have seen in progress, which is still far from complete, and of which these volumes present us with additional and striking evidence. One prominent and admitted feature of this change is the very general introduction of a thoughtful and meditative tone into our more recent poetry,—a fact inclusive of the following, which, though sufficiently obvious, we do not recollect to have seen directly noticed, and which is not without its bearing on the question of merit and popularity. It is this: that the taste of the public of twenty years since, and possibly of the present day, stands in apparent opposition to the taste of the writers of the present day; that the poets whose works were most popular at the former era, and probably continue to be so with the mass of readers, have by no means created a corresponding degree of influence upon their successors in art,—the writers of this generation. Examine any well-known

volume of generally admitted merit by a writer of recent pretensions,—Philip van Artevelde, let us say, or Ion, by way of selecting works widely known, and, on the whole, popular, with a view to ascertaining the degree in which the minds of the authors of those works have been influenced by this or that writer of the generation which is passing away—and what will be the result? We may confidently assert that it will be an entire conviction, founded upon evidence so strong as to surprise those even whose prepossessions had prepared them to expect such a phenomenon, that of any effect produced by those who sold ten thousand copies a day, to the great excitement of the public, and the great rejoicing of booksellers, and were pointed out by applauding hands as the living representatives of English poetry, the traces are slight, indeed so slight as to be hardly discernible. Neither in the nature of the subject, nor in the manner of regarding it; neither in particular images, nor in pervading tendency, do we recognise anything borrowed from or inspired by that extraordinary man whose name resounded wherever English literature was heard of, and whose fame darkened that of Wordsworth as a rocket darkens a star. For aught that appears from the works of some of the most gifted of the succeeding generations, the Corsairs and Childe Harolds, and other highly-seasoned celebrities, might never have been written. Those who delight in Byronism must seek it at the fountain-head; but the gentler influence of his great contemporary is everywhere.

The inquiry to which these observations naturally give rise, is not entirely set at rest by the answer, that popularity is a bad test of merit; that the higher power, retarded at first by the originality which made its conceptions unfamiliar to common apprehensions, and acting first upon the few most competent to appreciate it, nevertheless is certain of ultimate and universal triumph. Still less is it explained by the convenient supposition of a reaction, which has driven the public, satiated with one style, to require from authors its direct counterpart as an antidote. The first explanation is insufficient to meet the extent of the difference to which we have alluded; the second is not borne out by fact, for we fear that the mass of readers have not yet learnt to prefer the calm and



philosophic beauty of the *Excursion* to the gloomy passion of *Childe Harold*. The truth appears to be, that, great as is the influence of Wordsworth,—and certainly no man of that generation has contributed more largely to the education of the higher order of minds in the present,—yet circumstances have arisen to make it appear greater than, considered as proceeding from the individual poet, it is, or could be, in reality. A new school of poetry,—that known as the Poetry of Reflection,—has come into existence, of which he is the undoubted *eponymus*, and, in great part, the creator; but, like most heroes *eponymi*, not altogether so. The genius of no single man could have created the intellectual circumstances which, in making such a school of poetry possible, made its rise sooner or later almost necessary. The same spirit of criticism which used to assign an orthodox limit to the number of books in an epic poem, has in its time fought hard for the limitation of the possible subjects of poetry; the only real limitation, however, is to be found in a liberal interpretation of the comprehensive formula, “*Quicquid agunt homines.*” Now, it is an almost necessary concomitant of the progress of the human mind towards maturity, that the world of inward should encroach for ever upon the world of outward action, and thought itself ultimately become an object of contemplation. When men became observant, not only of things around them, but of the thoughts and feelings excited by those things,—when they no longer rested satisfied with the thought as experienced,—no longer looked upon the feeling as one with its cause, but learnt to set the workings of their minds apart from themselves, and find in them, thus set apart, a new source of pleasure and of pain; in short, when they underwent that change, inevitable though Mr. Carlyle deplore it, from the unconscious to the self-conscious state, then the condition implied in the Latin poet’s comprehensive term was satisfied, and a Poetry of Reflection naturally arose. Then, and not sooner, might the mind of man, contemplated as an object, become to a great poet “The haunt and the main region of his song.” A new and inexhaustible field lay open, into which he led, and was worthy to lead, the way; and others have followed his steps, not attracted by his influence only, but the same causes which opened that region

to him, have made it accessible to them. Either in the subjects which it considers fit for poetical handling, or in the mode of looking at these subjects, every time, like every writer, will exhibit a character of its own; and that poetry can hardly be genuine, of which the form and expression are copied from some former period, of whose spirit they were a fitting manifestation.

Nor can this be otherwise, so long as poetry is not a thing separate from our daily life, but rather the expression of what is highest and best in it. The fault of the *Æneid* will be for ever the fault of all attempts at a style of composition not natural to the person who attempts it, and meeting with no response in the tone of mind prevalent among those who surround him. What many men are thinking of, one will be found to write of. A time of child-like feelings and heroic deeds, devoted love and savage hatred, fierce rejoicings and bitter agonies—a time of manifold activity, yet simple alike in its ignorance and in its knowledge, has left us all its many-sided life embodied for ever in an *Iliad* and an *Odyssee*. A self-questioning, speculative period of struggling faith and uneasy hopes will perpetuate these characteristics in its poetry. The difference between the ἀνὴρ πολίτροπος of the *Odyssee* and him of the *Excursion* may measure the necessary diversity of works of imagination, which, at these respective periods, take in a wide sphere of human interest and action. The great philosopher-poet of Germany, who combined, in a perhaps unexampled degree, the creative power with the analytic understanding of his art, and who, from the universality of his genius, is less fitted than many others to stand as the representative of any single class of poets, appears, in studying the *Odyssee*, to have felt with peculiar vividness the contrast which imagination in her childhood presents to our maturer tone of thought and fancy.

“Homer’s descriptions and similes,” writes Goethe, “strike us as poetical, and are yet unspeakably natural, though, indeed, drawn with a pure and hearty earnestness (Reinheit and Innigkeit, purity and *inness*) which startles one. . . . Let me express my thought briefly thus: they represent existence, we impart the effect; they paint the fearful, we paint fearfully; they the agreeable, we agree-

"ably." These words express the heart of the contrast between the earlier and later stages of poetic art; applicable in a degree to all modern poetry, they are more peculiarly so to that form of it which we have been considering.

On the whole, then, it seems probable that the reflective element will continue to interpenetrate the productions of future poets; though perhaps in a less prominent form than is now frequently the case. Indeed, the existing prevalence of that element, at once the symbol and the cause of much good, has been nevertheless the means of introducing into the poetic faith a dangerous heresy; one not yet embodied in any positive creed, but manifesting itself in the practice of some poets, who being also thinkers, have shown a disposition to merge the former character in the latter. Now it is important to remember, that though reflections may furnish us with proper materials for poetry, yet every reflection, when put in verse, does not necessarily become poetry. Where the object is to convey, in a forcible manner, pointed and antithetic thoughts, as thoughts only, without ornament, there verse recommends itself by the advantages arising from a terse, condensed, and weighty form. Compositions, however, of this class, are not poetry; they may be epigrams, or, as one who excels in them has modestly and justly designated them, 'Thoughts in Verse.' But the case is different in what professes to be poetry, to which beauty is essential; and reflections can only be conveyed so as to satisfy this condition in one of three ways. They may in the first place be made beautiful by dramatic propriety, by their subservience, that is, to the development of character; or, secondly, they may have an inherent beauty of their own, which no expressions can be too simple to convey; a case which may be exemplified by the immortal lines,

"Be Yarrow's stream unseen, unknown;  
It must, or we shall rue it.  
We have a vision of our own:  
Ah! why should we undo it?"

Or, lastly, if not belonging to either of these classes, they must be embodied in action or expressed in imagery, and thus brought into conformity with the essential nature of poetry. Otherwise we have lost the advance which we suppose ourselves to have made into a new field, and have fallen back



into that fearful species of discourse under which our forefathers suffered and avenged themselves, as people are apt to do when hopeless of any other redress, by inflicting upon it a nickname—that of didactic poetry. We are yet in the gall of Hayley and the bond of Akenside. We could name some, gifted in no common degree with “the faculty divine,” who have yet fallen into this error—partly led into it by their very reverence for the art which they practise, and their sense of its deep responsibilities.

Looking upon the poet as a minister of good, and upon his art as subordinate to the production of good, they are almost disposed to censure its exercise when not pointedly directed to that lofty end; and, as poets themselves, they keep their own minds fixed upon that which seems to them the only worthy aim, with an exclusiveness which tends to deprive them of the means of attaining it. We would entreat of them to consider whether the first requisite for everything is not, that it be what it professes to be. Now, though the poet be an instructor, the immediate end which poetry proposes to itself is not instruction, but the production of beauty; and the writer who forgets this, throws off his nearest allegiance, and ceases to be a poet. Of a sermon it is required that it be instructive, of a poem that it be beautiful; otherwise, though ever so instructive, it is but a sermon which has condescended to an useless disguise; it is something which might have been said as well, and therefore better, in prose. We are entitled to expect from a true poet that he should have faith in his art, faith in the good which is inseparable from its genuine exercise, in its essentially noble and elevating tendencies.

He should not perpetually vex the goddess who inspires him, with that most vexatious question, *Cui bono?* who will be the wiser for what you are now saying? Let him recollect the high truth, expressed in its entirety by the great poet whose intuition pierces and whose practice realizes the harmonious co-operation of the presiding genii, to one of whom he would yield an exclusive allegiance:

“That Beauty, Good, and Knowledge, are three sisters,  
That dote upon each other, friends to man,  
Living together under the same roof,  
And never can be sunder’d without tears.”—A. TENNYSON.

We have been too long absent from Mr. Milnes, and we rejoice to have it in our power to make him some reparation for our delay, by entirely exempting these volumes from the censure due to the error on which we have been observing. They exhibit at once considerable power of just and original reflection, and of transmuting reflection easily and gracefully into poetry. In his preface the writer recommends his poems to the sympathies of those who have traversed similar fields of thought and feeling. For this class of readers, indeed, they will possess a peculiar interest, being, as it were, a kind of record of some of the deepest impressions experienced from time to time during many years, and hence naturally reflecting with peculiar vividness some of the marked characteristics of the period to which they belong. There is much of that often-mentioned self-questioning consciousness, and hope beset with doubt, combined with that faith in man and in the existence of good everywhere, which so often is, as it deserves to be, the best means of its own fulfilment. If there is some melancholy in the view taken of life, there is not a thought expressed from which a well-regulated mind will turn away as unworthy of sympathy—no tinge of the Satanic school: from beginning to end there is not a single sneer. The pervading tone cannot be better described than in the thoughtful and feeling lines prefixed to the “*Poems of Many Years*” which we subjoin.

“Most blind and impotent the verse that serves but to caress  
World-blossoms for their beauty’s sake, nor tries their power to bless:  
Better that tears should ever flow, than smiles for ever shine  
On all the evil mass that chokes in man the seed divine.

“Yet none the clearer sight have they who can or will not see  
How everywhere the life of love still shews itself to be;  
Still pierces through the tangled growth of this bewilder’d plain;  
And, trodden down a myriad times, still germinates again.”

Among the “*Poems of Many Years*,” several are devoted to the expression of those feelings which naturally arise in contemplating the lapse of years leading us from childhood into youth, from youth into manhood—feelings, then, which we all must in some degree have experienced, and which are as old as the world, but which are too true and universal ever to become worn out as subjects for poetry. The beau-

tiful poem entitled "The Flight of Youth" depicts, in a strain alike imaginative and feeling, the manner in which men often recognise for the first time, as a sudden and painful discovery, that their youth is departing from them. As, however, it is too long to admit of our quoting it whole, and we are unwilling to do it the injustice of splitting it into extracts, we prefer to give entire the following stanzas :

" Youth, that pursuest with such eager pace  
     Thy even way,  
 Thou pantest on to win a mournful race ;  
     Then stay ! Oh, stay !

" Pause and luxuriate in thy sunny plain ;  
     Loiter,—enjoy :  
 Once past, Thou never wilt come back again,  
     A second Boy.

" The hills of Manhood wear a noble face,  
     When seen from far ;  
 The mist of light from which they take their grace  
     Hides what they are.

" The dark and weary path those cliffs between  
     Thou canst not know,  
 And how it leads to regions never-green,  
     Dead fields of snow.

" Pause, while thou mayst, nor deem that fate thy gain,  
     Which, all too fast,  
 Will drive thee forth from this delicious plain,  
     A Man at last."

One poem of some length in this volume, "The Lay of the Humble," is in some degree an exception to our general approbation, not because it is deficient in passages of much beauty and feeling, nor because the original conception is not adequately worked out, but because we think there are strong objections to that conception itself. It is due to Mr. Milnes that we should explain our meaning. The poem professes to be a delineation of the state of mind of an individual cut off by external circumstances and personal disadvantages from the hope of meeting with perfect sympathy among his fellows, and forced to find a substitute for love, friendship, and action, in their pitying kindness, and in a childish affection for the nature which surrounds him. Ought such a person to be, not resigned, but light-hearted and gay? Ought a *man* to



be contented with kindness for love, with sufferance for sympathy? Mr. Milnes will remember who it is that, in the bitterness of a warm heart thrown back upon itself, has enabled us to answer these questions, but too forcibly, in these words:

“O worse than all! O pang all pangs above,  
Is kindness, counterfeiting absent love.”

The state of mind depicted in “*The Lay of the Humble*” might belong to a being of the elements, an Undine yet soulless, or to a frivolous, shallow-hearted man, and to no other. We could say more upon this question, but it is far too extensive,—including, as it would, all the causes which make us covet sympathy, all the justification of human love, to be more than hinted at on the present occasion. The readers of the poem will judge whether our remarks are justly applicable to it.

It is agreeable to pass from partial censure to unmixed approbation; and the latter is in our opinion due to the stanzas which follow, as a true and beautiful picture of the proud and overflowing happiness which they describe. The two first stanzas in particular are nobly expressive of the lover’s glorious exultation and deep tenderness, and the sentiment which concludes the first is equally natural and beautiful. The title of “*Stanzas after the Old Manner*” might, we think, have been better bestowed upon this poem than upon another to which Mr. Milnes has assigned it. The closest parallel to the pervading tone of thought must, we think, be sought in the exquisite lyrics which our elder dramatists, in the profusion of inexhaustible wealth, scattered at random over their plays.

*Stanzas.*

“Because, from all that round Thee move,  
Planets of Beauty, Strength, and Grace,  
I am elected to Thy love,  
And have my home in Thy embrace,  
I wonder all men do not see  
The crown that thou hast set on me.

“Because, when prostrate at Thy feet,  
Thou didst emparadise my pain,—  
Because Thy heart on mine has beat,  
Thy head within my hands has lain,  
I am transfigured, by that sign,  
Into a being like to Thine.

“ The mirror from its glossy plain  
 Receiving still returns the light,  
 And being generous of its gain,  
 Augments the very solar might :  
 What unreflected light would be,  
 Is just Thy spirit without me.

“ Thou art the flame, whose rising spire  
 In the dark air sublimely sways,  
 And I the tempest that swift fire  
 Gathers at first and then obeys :  
 All that was Thine ere we were wed  
 Have I by right inherited.

“ Is life a stream ? Then from thy hair  
 One rose-bud on the current fell,  
 And straight it turn'd to crystal there,  
 As adamant immovable :  
 Its stedfast pace shall know no more  
 The sense of after and before.

“ Is life a plant ? The king of years  
 To mine nor good nor ill can bring ;—  
 Mine grows no more ; no more it fears  
 Even the brushing of his wing :  
 With sheathed scythe I see him go,—  
 I have no flowers that *he* can mow.”

Mr. Milnes is a lover of the past : in one sense a poet can scarce fail to be so ; “ that shadowy land is all his own,” and its inhabitants, whom an exertion of imagination is required to invest with reality, are already poetical. But there is exemplified in these volumes that love for the past which, in common with the yearning for an unknown future, flows from a contemplative habit of mind. There are few so fortunate or so worldly as to find in the present the completion of their conceptions ; and according to the disposition of our minds do we place our Utopia in the new or in the old—in the Saturnian age, or in an Atlantis yet to be. To those, above all, who live in an uneasy transition, who have relinquished their allegiance to the old without frankly transferring it to the new, nothing can be more natural than to look back with regretful affection at the times when the path of duty, if steep and rugged, was at least not labyrinthine,—the times of simple and straightforward action, ere yet “ The native hue of resolution was sicklied o’er by the pale cast of thought.” Nor

have we any cause to complain of this, so long as the former days are loved for what was good in them, what was evil being either excepted or forgotten. At any rate, let us do justice, such justice as the following poem would teach us :

*"The Men of Old."*

"I know not that the men of old  
Were better than men now,  
Of heart more kind, of hand more bold,  
Of more ingenuous brow :  
I heed not those who pine for force  
A ghost of Time to raise,  
As if they thus could check the course  
Of these appointed days.

"Still is it true, and over true,  
That I delight to close  
This book of life self-wise and new,  
And let my thoughts repose  
On all that humble happiness,  
The world has since foregone,—  
The daylight of contentedness  
That on those faces shone !

"With rights, tho' not too closely scann'd,  
Enjoy'd, as far as known,—  
With will by no reverse unmann'd,—  
With pulse of even tone,—  
They from to-day and from to-night  
Expected nothing more,  
Than yesterday and yesternight  
Had proffer'd them before.

"To them was life a simple art  
Of duties to be done,  
A game where each man took his part,  
A race where all must run ;  
A battle whose great scheme and scope  
They little cared to know,  
Content, as men at arms, to cope  
Each with his fronting foe.

Man now his virtue's diadem  
Puts on and proudly wears ;  
Great thoughts, great feelings, came to them,  
Like instincts, unawares :  
Blending their souls' sublimest needs  
With tasks of every day,  
They went about their gravest deeds,  
As noble boys at play.—



" And what if Nature's fearful wound  
 They did not probe and bare,  
 For that their spirits never swoon'd  
 To watch the misery there,—  
 For that their love but flow'd more fast,  
 Their charities more free,  
 Not conscious what mere drops they cast  
 Into the evil sea.

" A man's best things are nearest him,  
 Lie close about his feet;  
 It is the distant and the dim  
 That we are sick to greet :  
 For flowers that grow our hands beneath  
 We struggle and aspire,—  
 Our hearts must die, except they breathe  
 The air of fresh Desire.

" But, Brothers, who up Reason's hill  
 Advance with hopeful cheer,—  
 O! loiter not; those heights are chill,  
 As chill as they are clear;  
 And still restrain your haughty gaze,  
 The loftier that ye go,  
 Remembering distance leaves a haze  
 On all that lies below."

p. 98-101.

The tone of our next quotation, "The Worth of Hours," is thoughtful and ennobling. It is also worthy of attention as a specimen of a poem altogether reflective, yet from its pervading gracefulness of feeling and expression, almost without the aid of imagery, satisfying the condition before stated as essential to this class of poems.

*"The Worth of Hours."*

" Believe not that your inner eye  
 Can ever in just measure try  
 The worth of Hours as they go by :

" For every man's weak self, alas !  
 Makes him to see them, while they pass,  
 As through a dim or tinted glass :

" But if in earnest care you would  
 Mete out to each its part of good,  
 Trust rather to your after-mood.

" Those surely are not fairly spent,  
 That leave your spirit bow'd and bent  
 In sad unrest and ill-content :

"And more,—though, free from seeming harm,  
You rest from toil of mind or arm,  
Or slow retire from Pleasure's charm,—

"If then a painful sense comes on  
Of something wholly lost and gone,  
Vainly enjoy'd, or vainly done,—

"Of something from your being's chain  
Broke off, nor to be linkt again  
By all mere Memory can retain,—

"Upon your heart this truth may rise,—  
Nothing that altogether dies  
Suffices Man's just destinies :

"So should we live, that every Hour  
May die as dies the natural flower,—  
A self-reviving thing of power ;

"That every Thought and every Deed  
May hold within itself the seed  
Of future good and future need ;

"Esteeming Sorrow, whose employ  
Is to develope, not destroy,  
Far better than a barren Joy."

*p. 101-102.*

"The Curse of Life" is a poem of much power, but, as its name indicates, of a tone considerably at variance with most of those which we have hitherto noticed. Against such delineations of the dark side of things many homilies of well-intentioned objections have been advanced; and it may be allowed that the predominance of such a tone in any literature is not a favourable indication of the prevalent state of mind; regarded, however, in a literary point of view, its worst fault is the affectation in which it partly originates, but which it is absolutely certain to generate. We speak of its predominance—in every individual instance the question for the critic is, whether the feelings described are unforced and natural, whether the artist have produced a true representation of a real state of mind, and that state one which admits of sympathy. Let this question be answered in the affirmative, and the poet needs no defence for having given utterance to a feeling which hardly any sensitive nature can have failed to experience, though none but a weak one will permit it to be-

come habitual. For the poem, which will bear out what we have said in its praise, we refer our readers to the volume.

Many poems, from which we could with pleasure quote largely, we must necessarily pass without mention; we cannot, however, refrain from directing attention to the lines "On a Brother and a Sister," a pleasing tribute to one upon whose name, if genius inspired by affection can avail, the voices of his surviving friends will confer that lasting remembrance which time was denied him to achieve.

Our notice of the second volume must, we fear, be comparatively short; its title, "Memorials of a Residence on the Continent," expresses the general nature of its contents. Many of them are records of thoughts and feelings inspired by that land, whose recollections of a two-fold dominion would not be sufficient to console its visitant for the melancholy present around him, but from the aid which they receive from the creations of unequalled art, and the unaltering beauty of nature. All these influences Mr. Milnes has deeply and truly felt. Poetry is, after all, the best form for conveying an adequate conception of scenery; Wordsworth's poems have been recommended as the best guide to the Lakes; and it would take many a page of "letter-press"—most expressive name—and many a steel engraving besides, to convey an impression of the slumbrous tranquillity of Venice equal to that produced by the latter part of this stanza, from the "Ode written at Venice."

" . . . . . Thou lingerest here,  
Rejoicing to remain;  
The plashing oars fall on thy ear  
Like a familiar strain;  
*No wheel prolongs its weary roll,  
The earth itself goes round  
Slower than elsewhere, and thy soul  
Dreams in the void of sound.*"

The poems on Venice generally are, like the one from which we have quoted, "a labour of love." Of the ancient glories of that extraordinary state Mr. Milnes has, we fear, taken a view too favourable to be historically true, when he addresses it as

" Prime model of a Christian commonwealth!  
Thou wise simplicity, which present men  
Calumniate, not conceiving—"

but we are warned, by the prospective censure in the last half line, to say no more. We doubt, however, whether the author of "a Dream in a Gondola," a beautiful poem of wandering fancies, and homeward-turning affection, can be considered an impartial witness respecting Venice.

There is a certain number of poems in this volume entitled "Pictures in Verse," of which the conception is happy and original, and the execution in general worthy of the conception. They are a species of dramatizing some of the most celebrated productions of the Italian masters—a translation into words, uttered by the characters represented, of the feelings which the painter has conveyed in colours. Perhaps the "Martyrdom of St. Catherine" is the most faultless of these pictures: but we think there is more originality in "Jesus and John contending for the Cross," though its style is rather peculiar. We prefer, however, one of the historical poems, entitled "Decius Brutus," which appears to us of a high order of beauty, equal to any in the volume, and illustrative of Mr. Milnes's power of combining harmoniously reflection with spirited poetic narrative. The hint of the story is from Florus, and the whole is in accordance with the widely received tradition of antiquity. Having traversed the whole country as a devastating conqueror, Decius Brutus reaches the coast of Portugal, the western limit of the European world. Beholding the sun descending towards the great western ocean, the chieftain is struck with a sense of intrusive and sacrilegious over-daring, and exhorts his followers to substitute a religious fear for proud and savage exultation.

We have ended our quotations, and have one remark to add. There are in these volumes a few passages in which a thought, clear enough in itself, is made difficult by some obscurity or carelessness of expression. If Mr. Milnes sets upon his poems the value which he ought, he will not grudge the trouble requisite for the removal of these defects. An obscure stanza may mar the effect of a whole poem.



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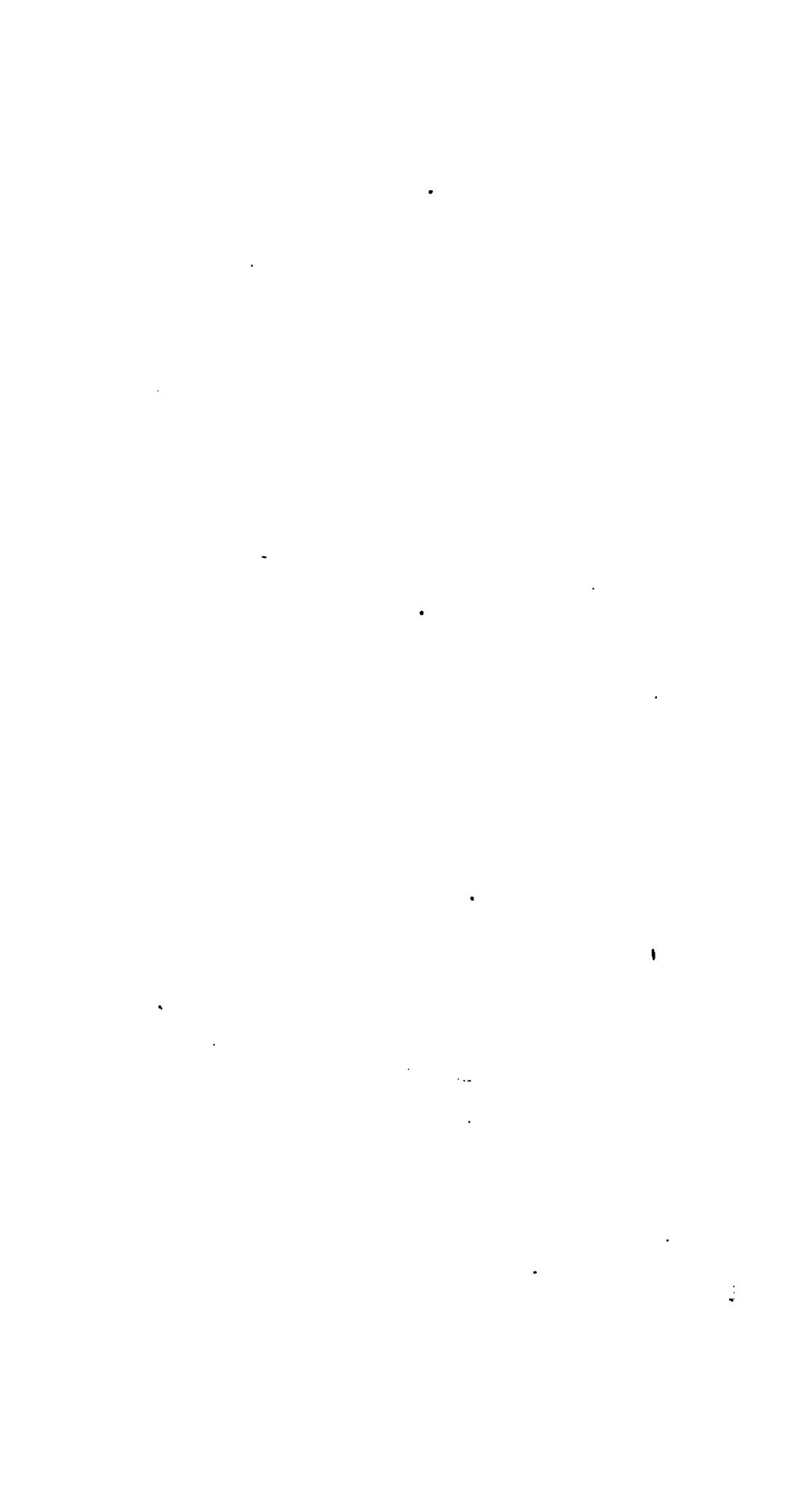
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